United Nations S/2004/421

Security Council

Distr.: General
24 May 2004

Original: English

Letter dated 19 May 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the text of the Quartet statement, which was issued following the meeting of the Quartet Principals — representing the United States of America, the European Union, the Russian Federation and the United Nations — at United Nations Headquarters in New York on 4 May 2004 (see annex).

I should be grateful if you would bring this text to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-36180 (E) 250504

Annex

Quartet statement

New York, 4 May 2004

Representatives of the Quartet — United Nations Secretary-General Kofi Annan, Russian Foreign Minister Sergei Lavrov, Irish Foreign Minister Brian Cowen, United States Secretary of State Colin Powell, High Representative for European Common Foreign and Security Policy Javier Solana, and European Commissioner for External Relations Chris Patten — met today in New York.

The Quartet reaffirms its commitment to our common vision of two States, Israel and a viable, democratic, sovereign and contiguous Palestine, living side by side in peace and security; and calls on both parties to take steps to fulfil their obligations under the road map as called for in Security Council resolution 1515 (2003) and previous Quartet statements, and to meet the commitments they made at the Red Sea summits in Aqaba and Sharm el-Sheikh. In that context, the Quartet urges the Government of Israel to implement its recent affirmation of its readiness to implement certain obligations under the road map, including dismantling of outposts erected since March 2001 and progress towards a freeze on settlement activity, and urges the Government of Israel to implement those commitments and to fully meet its road map obligations.

The Quartet members reviewed developments since their last meeting in New York on 26 September 2003 and view with great concern the situation in the Middle East. The Quartet condemns the continuing terror attacks on Israel, and calls on the Palestinian Authority to take immediate action against terrorist groups and individuals who plan and execute such attacks. The Quartet members recognize Israel's legitimate right to self-defence in the face of terrorist attacks against its citizens, within the parameters of international humanitarian law, and the Quartet calls on the Government of Israel to exert maximum efforts to avoid civilian casualties. They also call on the Government of Israel to take all possible steps now, consistent with Israel's legitimate security needs, to ease the humanitarian and economic plight of the Palestinian people, including increasing freedom of movement for people and goods both within and from the West Bank and Gaza, removing checkpoints, and other steps to respect the dignity of the Palestinian people and improve their quality of life. Under the road map, the Government of Israel should take no actions undermining trust, including deportations; attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet work plan. The Quartet calls for renewed efforts to reach a comprehensive ceasefire as a step towards dismantlement of terrorist capabilities and infrastructure, and renewed progress towards peace through the implementation of the road map.

The Quartet notes the Government of Israel's pledge that the barrier being erected by Israel should be a security rather than a political barrier, and should be temporary rather than permanent. The Quartet continues to note with great concern the actual and proposed route of the barrier, particularly as it results in the confiscation of Palestinian land, cuts off the movement of people and goods, and undermines Palestinians' trust in the road map process as it appears to prejudge the final borders of a future Palestinian State.

The Quartet took positive note of the announced intention of Israeli Prime Minister Sharon to withdraw from all Gaza settlements and parts of the West Bank. The Quartet welcomes and encourages such a step, which should provide a rare moment of opportunity in the search for peace in the Middle East. This initiative, which must bring about a full Israeli withdrawal and complete end of occupation in Gaza, can be a step towards achieving the two-State vision; and has the possibility of restarting progress on the road map. The Quartet further notes that any unilateral initiatives by the Government of Israel should be undertaken in a manner consistent with the road map and the two-State vision that underlies the road map.

The Quartet reaffirms President Bush's call on 24 June 2002 for an end to the Israeli occupation that began in 1967 through a settlement negotiated between the parties. The Quartet also notes that no party should take unilateral actions that seek to predetermine issues that can only be resolved through negotiation and agreement between the two parties. Any final settlement on issues such as borders and refugees must be mutually agreed to by Israelis and Palestinians on the basis of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the terms of reference of the Madrid peace process, the principle of land for peace, previous agreements, and the initiative of Saudi Crown Prince Abdullah endorsed by the Beirut Arab League Summit; and be consistent with the road map.

The Quartet and the international community are prepared to intensify their engagement with the Palestinians to restore momentum on the road map, enhance Palestinian humanitarian and economic conditions, build transparent and accountable Palestinian institutions, ensure security and stability in Gaza and the West Bank from which Israel withdraws, prevent all acts of terrorism, and ensure the dismantlement of armed terrorist groups. In furtherance of these goals, the Quartet will take the following steps, with appropriate mechanisms established to monitor progress and performance by all sides:

The Quartet will act on an urgent basis, in conjunction with the World Bank, the Office of the United Nations Special Coordinator for the Middle East Peace Process and the Ad Hoc Liaison Committee, on the basis of a World Bank/Office of the Special Coordinator rapid-assessment study, to ensure that Palestinian humanitarian needs are met, Palestinian infrastructure is restored and developed, and economic activity is reinvigorated. The Quartet welcomes the World Bank-established Trust Fund as an accountable, transparent, and appropriately benchmarked mechanism for receipt of international assistance.

The Quartet is prepared to engage with a responsible and accountable Palestinian leadership, committed to reform and security performance. The Quartet, through an empowered Prime Minister and Cabinet, the Task Force on Palestinian Reform, and in connection with the major donors working through the Ad Hoc Liaison Committee and the Local Aid Coordination Committee, will engage the Palestinians to reinvigorate the reform agenda of the road map, including a well-prepared and appropriately timed electoral process, paying particular attention to areas from which Israel has withdrawn. In this regard, the Quartet members will undertake to oversee and monitor progress on these fronts.

The Quartet will seek to ensure that arrangements are put in place to ensure security for Palestinians and Israelis as well as freedom of movement and greater mobility and access for Palestinians. The Quartet underscores the need for agreed, transparent arrangements with all sides on access, mobility and safety for

international organizations and bilateral donors and their personnel. As Israel withdraws, custody of Israeli-built infrastructure and land evacuated by Israel should be transferred through an appropriate mechanism to a reorganized Palestinian Authority in coordination with representatives of Palestinian civil society, the Quartet, and other representatives of the international community to determine equitable and transparent arrangements for the ultimate disposition of these areas as quickly as possible.

Effective security arrangements continue to be critical to any possibility of progress. In coordination with, and under the auspices of, an oversight committee led by the United States, and in coordination with the empowered Prime Minister and Cabinet, Palestinian security services should be restructured and retrained, consistent with the road map, to provide law and order and security to the Palestinians, to end terror attacks against Israel and Israelis and to dismantle terrorist capabilities and infrastructure. The Quartet welcomes in particular the Government of Egypt's engagement on security issues, including efforts to achieve a comprehensive and lasting ceasefire as a step towards this goal.

The Quartet reaffirms its commitment to a just, comprehensive, and lasting settlement to the Arab-Israeli conflict based upon resolutions 242 (1967) and 338 (1973); and reminds all parties of the need to take into account long-term consequences of their actions and of the obligation for all parties to make rapid progress towards resumption of a political dialogue. The Quartet will remain engaged with Israelis, Palestinians and all other parties — including through presence of its envoys on the ground — to ensure appropriate follow-up to the steps outlined above. An appropriate coordinating and oversight mechanism under the auspices of the Quartet will be established. The Quartet also calls on all States in the region to exert every effort to promote peace and to combat terrorism, and to prevent terrorist groups from making use of their territory to plan, prepare, or launch terrorist attacks.

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24 May 2004

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Letter dated 18 May 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following statement on human rights in Cuba issued on 13 May 2004 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-36257 (E) 260504

Annex to the letter dated 18 May 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on human rights in Cuba issued on 13 May 2004 by the Presidency on behalf of the European Union

The European Union is deeply concerned at the recent trials and sentencing of a further group of 13 Cuban human rights activists and journalists, all of whom were arrested while peacefully exercising their rights to freedom of expression, opinion, association and assembly, principles the European Union strongly defends.

The European Union strongly condemns the conduct of the trials, which once again failed to meet international standards in relation to due process. The European Union also deplores the disproportionate severity of the sentences handed down to the dissidents, viz. prison sentences of up to seven years for nine activists and house arrest for four others.

The European Union recalls the resolution on the situation of human rights in Cuba, adopted by the United Nations Commission on Human Rights on 15 April 2004, which deplored the events that occurred in Cuba in 2003 involving verdicts against certain political dissidents and journalists, a reference to the trials and sentencing of 75 dissidents in March and April 2003. The European Union calls on the Cuban authorities to release all prisoners of conscience and political prisoners without delay and joins the Commission on Human Rights in urging the Cuban authorities to cooperate with the Personal Representative of the United Nations High Commissioner for Human Rights.

In the light of continuing disturbing reports that some dissidents have suffered from ill-treatment and ill-health, the European Union once again urges the Cuban authorities to comply with international human rights standards and norms for the treatment of prisoners.

The European Union will continue to monitor flagrant violations of fundamental civil and political rights by the Cuban authorities, which negatively affect relations and cooperation between the European Union and Cuba, and will take these violations into account in its re-evaluation of the common position on Cuba in June 2004.

The European Union's serious concerns, as outlined above, have been conveyed directly to the Cuban authorities.

The candidate countries Bulgaria and Romania, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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Security Council

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25 May 2004

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Letter dated 24 May 2004 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the Pakistan presidency, the Security Council is scheduled to have a debate on the subject "Complex crises and United Nations response" on 28 May 2004.

The Presidency has prepared a non-paper (see annex) to help guide the discussion on this subject.

I should be grateful if you would have this letter and the annex circulated as a document of the Security Council.

(*Signed*) Munir **Akram**
Ambassador and Permanent Representative

04-36307 (E) 250504

Annex to the letter dated 24 May 2004 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

Non-paper for public meeting on 28 May 2004 on complex crises and United Nations response

In the **Charter of the United Nations**, Member States have committed themselves to take "effective collective measures for the prevention and removal of threats to the peace" (Article 1.1). A fuller realization of this commitment is contingent upon not only resolving the actual conflict situations but also on recognizing the structural causes of conflict and addressing them systematically. In specific terms, this requires the development of a comprehensive, integrated and sustainable approach by the United Nations system for conflict prevention, peacemaking, peacekeeping, and peace-building.

2. Since the 1990s, the Security Council and the UN system have increasingly been called upon to intervene in complex crises – conflicts that not only have military and security dimensions but also political, economic, social and humanitarian facets. The prominent cases include Somalia, Rwanda, Haiti, Bosnia-Herzegovina, Sierra Leone, DRC, Liberia, Cote d' Ivoire, etc. Such crises often transcend state boundaries and have increasingly regional dimensions. The United Nations is expected also to stay engaged with countries emerging from conflict and assist them in making a successful transition to durable peace and sustainable development. The recent examples of Guinea Bissau and Burundi illustrate this phenomenon. Preventing and effectively responding to these complex, multidimensional crises is a matter of high priority now, which also entails significant investment of UN time, efforts and resources.

3. The Heads of State and Government, meeting in the course of the **Millennium Summit** in September 2000, recognized this imperative need and pledged "to enhance the effectiveness of the United Nations in addressing conflict at all stages from prevention to settlement to post-conflict peace-building." In this context, among other things, they "strongly encourage[d] the development within the United Nations system and more widely of comprehensive and integrated strategies to address the root causes of conflicts, including their economic and social dimensions" (Resolution S/1318/2000).

4. The Secretary-General, in his report on "**Strengthening of the United Nations: an agenda for further change**," noted: "The United Nations is a complex institution with a global mandate, an ambitious agenda and complicated machinery for addressing a vast range of often interrelated issues." Noting that significant improvements had been made since 1997 to making the United Nations function in a more cohesive and coherent manner, the Secretary-General added: "We have to do better still, however, if the United Nations is to achieve the system-wide coordination demanded by the daunting social, economic and

political challenges that it confronts each day. The lives and well-being of large numbers of people depend on our ability to work together more effectively" (A/57/387).

5. Complex crises test both the will of the international community to take appropriate decisions as well as the capacity of the Organization to follow through with sustained action. The overall political, economic and humanitarian costs imposed by these complex crises are of serious concern to the international community. An effective collective response to these crises requires parallel action on several inter-related tracks including containment and resolution of conflict, establishment of necessary security conditions, protection of civilians, security sector reforms, provision of humanitarian relief, end to impunity, establishing justice and the rule of law, promoting good governance, and development of democratic institutions. Similarly, such a response must also include strategies to spur economic revival and reconstruction and address the underlying causes of conflict, including *inter alia* poverty, underdevelopment, socio-economic inequities and inequalities, systematic political and ethnic discrimination, proliferation of small arms and light weapons, and illegal exploitation of natural resources. The intrinsic link between peace and development must remain at the core of the UN response.

6. The overall effectiveness of UN response depends *inter alia* on four crucial elements:

(i) Timely analysis and assessment of potential and actual conflicts and crises;
(ii) Strategic coherence in policy response;
(iii) Enhanced coordination within the UN system;
(iv) Closer cooperation with relevant regional and sub-regional organizations, regional countries as well as humanitarian and development partners.

7. Over the past year, the Security Council has held several debates focusing on individual aspects of complex crises and international response – including, among others, protection of civilians in armed conflict; proliferation of mercenaries, small arms and light weapons; justice and the rule of law; cooperation with regional organizations; role of the United Nations in post-conflict stabilization, and the role of business in conflict prevention, peacekeeping, and post-conflict peace-building. The proposed debate on "complex crises and UN response" will be an opportunity to take a strategic look at these inter-related issues and see how long-term, comprehensive, integrated and composite approaches can be developed and implemented with enhanced system-wide coordination.

8. During the debate, several questions could be considered:

- Within its charter responsibilities, what role the Security Council can play in addressing the multifarious dimensions of complex crises, particularly in conflict prevention and in facilitating post-conflict peace-building?

- How the capacities of the Secretariat can be enhanced for timely analysis and assessment with a view to early warning and preventive diplomatic action?

- Within their respective mandates and competences, how best coordination can be promoted between the good offices of the Secretary-General and actions of the Security Council during the different stages of conflict?

- What measures can be taken to ensure that, along with conflict management and resolution, the Council also devotes attention to the underlying causes of conflict more comprehensively and helps create conditions for durable peace?

- In the context of peace and development, how could the various organs of the United Nations positively interact and contribute to durable solutions to complex crises -- acting within their respective Charter mandates and roles?

- How could closer interaction with relevant regional and sub-regional organizations be promoted to create synergies in efforts for timely action as well as comprehensive and durable solutions to complex crises?

- How can the UN agencies and programmes as well as international financial institutions contribute in the effort for evolving comprehensive response to complex crises?

Format

9. The Council will consider the theme in a Public Meeting with the possible participation of the Secretariat and the Presidents of the General Assembly and the Economic and Social Council.

Outcome

10. The Presidency will prepare a summary of proposals and suggestions, on its own authority, and circulate subsequently.

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General Assembly
Security Council

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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 24 May 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I provide you with the following summary of Israeli violations and acts of aggression against Lebanon:

10 May 2004

At 1025 hours Israeli enemy forces positioned at Ruwaysat al-Alam, within the occupied Shab`a Farms area, fired a number of rounds from medium-calibre weapons at the area around the said position.

At 1920 hours Israeli enemy forces positioned at Al-Summaqah, within the occupied Shab`a Farms area, fired a number of rounds from medium-calibre weapons at the area around the said position.

11 May 2004

At 0940 hours Israeli enemy forces positioned at Ruwaysat al-Alam, within the occupied Shab`a Farms area, fired a number of rounds from medium-calibre weapons at the area around the said position.

13 May 2004

Between 1240 and 1245 hours Israeli enemy forces positioned within the occupied Shab`a Farms area fired two 120-mm mortar shells at the region surrounding Birkat al-Naqqar and a number of rounds from medium-calibre weapons at the area around Ruwaysat al-Alam.

At 2300 hours Israeli enemy forces in the occupied Shab`a Farms area fired a number of rounds from medium-calibre weapons at the area around Ruwaysat al-Alam.

At 0222 hours an Israeli military boat in the open sea off Ra's Naqurah fired a number of rounds from medium-calibre weapons in the direction of the territorial waters, and between 2155 and 2220 hours it fired a number of rounds from medium-calibre weapons and a flare bomb over the territorial waters.

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14 May 2004

At 1650 hours an Israeli military boat in the open sea off Ra's Naqurah fired a number of rounds from medium-calibre weapons in the direction of the territorial waters.

15 May 2004

At 0730 hours Israeli enemy forces positioned at Zibdin, within the occupied Shab`a Farms area, fired a number of rounds from medium-calibre weapons at the area around the said position.

18 May 2004

Between 1135 and 1215 hours the Israel Air Force violated Lebanese airspace, flying at various altitudes over the Naqurah and Tyre regions.

19 May 2004

Between 1115 and 1145 hours the Israel Air Force violated Lebanese airspace, flying at various altitudes over the occupied Shab`a Farms.

20 May 2004

Between 1225 and 1227 hours two Israeli warplanes violated Lebanese airspace, flying at various altitudes, and overflew the sea off Na`imah in an easterly direction.

22 May 2004

Between 1440 and 1515 hours the Israel Air Force violated Lebanese airspace, flying at various altitudes over the occupied Shab`a Farms.

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory, airspace, and territorial waters and are in contravention of the principles of international law and the resolutions of international legitimacy, and the Secretary-General of the United Nations has repeatedly called for their cessation.

In view of these violations and the stepping-up of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the Security Council to deter and prevent Israel from such dangerous acts, which pose a threat to international security and peace. Israel must assume full responsibility for those acts and for any consequences to which they may give rise.

In drawing your attention to the gravity and possible consequences of such acts, I request to have this letter of complaint circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

United Nations S/2004/425

Security Council

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25 May 2004

Original: English

Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith my letter to the Secretary-General dated 20 May 2004, regarding the humanitarian situation in Darfur (see annex).

I should be grateful if you would circulate this letter as a document of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

04-36483 (E) 260504 260504

Annex to the letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Referring to my meeting with you on 17 May 2004, on the humanitarian situation in Darfur, I have been closely following up with my Government all the issues raised at the meeting and previously discussed in your message to H.E. the President of the Republic.

Although I am still waiting to receive from the Office for the Coordination of Humanitarian Affairs the list of 65 visa applications claimed to be pending, I am nevertheless pleased to inform you in this regard that my Government, with a view to addressing those issues, has today taken the following actions:

1. Granting of entry visas within 48 hours to all humanitarian workers from the United Nations, donors, the Red Cross and international non-governmental organizations.

2. Suspension of the travel permit procedures to Darfur; from now on a simple notification to the Ministry of Humanitarian Affairs will suffice.

3. Commitment to continue to take further measures to facilitate the entry and clearance of equipment imported to be used for humanitarian purposes.

4. The above measures will be effective on Monday, 24 May 2004.

5. The Government of the Sudan has appealed to the African Union to expedite the deployment of the ceasefire observers as an important step in further facilitating the humanitarian activities.

6. The Government has appealed to the population to return to their villages, reaffirming its commitment to provide security and protection. In this regard the Ministry of the Interior has set up a special security plan to achieve that objective.

Please find enclosed the communiqué on the new measures issued today by the Ministry of Foreign Affairs and the Ministry of Humanitarian Affairs.

While conveying these positive developments, I would like to reiterate the commitment of my Government to continue its full cooperation with the United Nations and the international community in its quest to alleviate the humanitarian situation of its citizens.

(*Signed*) Elfatih **Erwa**
Permanent Representative

Enclosure

[Original: Arabic]

In the Name of God, the Merciful, the Compassionate

Joint Communiqué by the Ministry of Foreign Affairs and the Ministry of Humanitarian Affairs on humanitarian aid for Darfur

Given its national responsibility to provide humanitarian aid to citizens in Darfur; confirming its commitment to implement the protocol on the delivery of humanitarian aid and the ceasefire agreement, both signed at N'Djamena on 8 April 2004; aware that the citizens need to receive humanitarian aid and that they must be allowed to return to their homes to prepare the harvest; desirous of mitigating the impact of the war and facilitating the task of Sudan's humanitarian partners, the Government of the Sudan has decided as follows:

1. To issue humanitarian workers in Darfur representing United Nations agencies, donors, the Red Cross and non-governmental organizations with entry visas directly through Sudanese diplomatic missions abroad within 48 hours of the date of submission of the visa application, these visas to be valid for a period of three months;

2. To suspend measures currently in force in respect of travel permits to Darfur for a period of three months and to be satisfied with entry visas only, together with notification of the Ministry of Humanitarian Affairs of the name of the person concerned and the programme of his or her mission;

3. To continue taking measures to facilitate the entry of supplies required for humanitarian work in Darfur by specialized agencies;

4. These measures shall apply as of Monday, 24 May 2004;

5. Further details are available from the Ministry for Humanitarian Affairs.

In harmony with this improved access for the purpose of facilitating humanitarian work, the Government of the Sudan has called upon the Organization of African Unity to expedite the deployment of ceasefire monitors to Darfur to facilitate the flow of humanitarian aid and contribute to improved stability in the region. It has also urged the inhabitants to return rapidly to their homes, while the Government for its part commits itself to implementing the plan of the Ministry of the Interior to provide security and protection.

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Security Council

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26 May 2004

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Report by the Secretary-General concerning the credentials of the alternate representative of Germany on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 26 May 2004 from the Permanent Mission of Germany to the United Nations stating that Mr. Stefan Delfs has been appointed alternate representative of Germany on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

04-36579 (E) 260504

United Nations S/2004/427

Security Council

Distr.: General
26 May 2004

Original: English

Report of the Secretary-General on the United Nations operation in Cyprus

I. Introduction

1. The present report on the United Nations operation in Cyprus covers developments from 11 November 2003 to 20 May 2004 and brings up to date the record of activities carried out by the United Nations Peacekeeping Force in Cyprus (UNFICYP) pursuant to Security Council resolution 186 (1964) of 4 March 1964 and subsequent Council resolutions, the most recent of which was resolution 1517 (2003) of 24 November 2003.

2. During this period, my Special Adviser on Cyprus, Alvaro de Soto, returned to Cyprus for the resumption of negotiations on the comprehensive settlement agreement, on which I am reporting separately. Zbigniew Wlosowicz continued as my acting Special Representative and Chief of Mission. Major General Hebert Figoli (Uruguay) was appointed as Force Commander on 7 January 2004. As at 4 May 2004, the strength of UNFICYP was 1,201 military personnel and 46 civilian police officers (see annex).

II. Activities of the Force

A. Maintenance of the ceasefire and military status quo

3. The military situation along the ceasefire lines remained generally calm and stable. The number of incidents such as construction, ill discipline and moves forward into the buffer zone was negligible.

4. The number of air violations increased from 49 in the last reporting period to 67; 20 were by Turkish military aircraft, 2 by Greek military aircraft, 13 by Cypriot police helicopters and the remaining 32 were of unknown origin. In line with past experience for the season, there were fewer crossings of the maritime security lines, the seaward extension of the median line of the buffer zone that vessels from either side are advised not to cross.

5. Restrictions imposed on UNFICYP in July 2000 by the Turkish forces/Turkish Cypriot security forces, partially eased in May 2003, continued to hinder the operations of UNFICYP, including in the fenced-in area of Varosha. The United

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Nations holds the Government of Turkey responsible for the maintenance of the status quo in Varosha. The violation of the military status quo in Strovilia persisted.

6. In the latter half of the reporting period, UNFICYP conducted intense planning and training for a possible transition to a new United Nations operation in Cyprus, in the event of a settlement, while continuing to fulfil its existing mandate.

7. UNFICYP continued to support the Mines Technical Adviser in preparing for the clearing of minefields in the buffer zone. It is hoped that mine clearance activities will commence in the summer after civilian contractors are selected and accredited.

8. On 28 April, following the rejection of the proposed plan for a settlement by the Greek Cypriot side, and its acceptance by the Turkish Cypriot side, at separate and simultaneous referenda, the Council of the European Union adopted a regulation dealing with the movement of goods and people between the north and the south, following the entry of the divided Cyprus into the European Union. The regulation states explicitly that it does not affect the mandate of the United Nations in the buffer zone in any way.

B. Restoration of normal conditions and humanitarian functions

9. As of 1 May 2004, 3.7 million crossings by Greek Cypriots to the north and Turkish Cypriots to the south have taken place at the Ledra, Ayios Dometios/Metehan, Pergamos and Strovilia crossing points since 23 April 2003 when they were opened. UNFICYP continued to assist the orderly movement of civilians and vehicles through the buffer zone at these authorized crossing points. UNFICYP attended to, monitored and followed up on more than 50 cases of unauthorized crossings, thefts, traffic violations, accidents and unauthorized photography. The Greek Cypriot side pressed criminal charges in 16 cases involving Turkish Cypriots in the south and the Turkish Cypriot side pressed criminal charges in 38 cases involving Greek Cypriots in the north. UNFICYP visited Turkish Cypriots in the south and Greek Cypriots in the north detained as a result of these cases. Further, UNFICYP facilitated 32 cases of medical evacuations from the north to medical facilities in the south.

10. During the reporting period, UNFICYP facilitated 138 bicommunal events at the Ledra Palace Hotel, bringing together 7,300 Greek and Turkish Cypriots. A concert in November 2003 attracted 1,500 youth, and a peace demonstration in March 2004 drew 500 participants from both communities. Other events included the monthly meetings of political leaders under the aegis of the Embassy of Slovakia. In addition, the United Nations Office for Project Services funded bicommunal presentations, language courses and musical events. UNFICYP also assisted in facilitating several bicommunal press conferences and seminars leading up to the 24 April 2004 referenda.

11. UNFICYP continued to perform its mandated humanitarian tasks in support of the 411 Greek Cypriots and 153 Maronites living in the northern part of the island. Apart from regular welfare visits and ensuring delivery of humanitarian assistance, UNFICYP was involved in obtaining permission for elderly Greek Cypriots to return to their homes in the north. UNFICYP also assisted eight Turkish Cypriot

families in the south to obtain birth certificates and other documentation as well as housing and medical care facilities.

12. UNFICYP's support for civilian activities in the buffer zone continued. UNFICYP also facilitated a project funded by the United Nations Office for Project Services, which started in February 2004 to restore a historic Venetian Castle in the mixed village of Pyla in the buffer zone. UNFICYP approved requests by Turkish Cypriots to modernize and expand their farms and a request by a Greek Cypriot to build a house in the civil-use area within the United Nations Protected Area. Furthermore, UNFICYP facilitated the annual visit of Greek Cypriots to St. George's Church in Varisha in the buffer zone to commemorate St. George's day.

III. Committee on Missing Persons

13. In December 2003, I wrote to the two leaders noting that a solution to this humanitarian issue was overdue and that a fresh commitment to solve it was necessary. The Committee on Missing Persons should conclude its work without delay, taking full account of the agreement of 31 July 1997. To that end, I suggested that the members of the Committee on Missing Persons resume formal meetings, with the participation of the third member ad interim. While both sides expressed readiness to follow my suggestions, no formal meetings took place during the reporting period. Meanwhile, the third member ad interim continued to work with the two sides to have the Committee on Missing Persons restart its activities. The Greek Cypriot side proceeded with its programme of exhumation and identification.

IV. Financial aspects

14. As indicated in my previous report (S/2003/1078), the General Assembly, by its resolution 57/332 of 18 June 2003, appropriated the amount of $43.8 million for the maintenance of UNFICYP for the period from 1 July 2003 to 30 June 2004. That amount included the voluntary contribution of one third of the cost of the Force, equivalent to $14.6 million, from the Government of Cyprus and the voluntary contribution of $6.5 million from the Government of Greece.

15. My proposed budget for the maintenance of UNFICYP for the period from 1 July 2004 to 30 June 2005, which amounts to $47.4 million, is currently under consideration by the General Assembly. Should the Security Council decide to extend the mandate of UNFICYP for a further period of six months, the cost of maintaining the Force would be limited to the amount approved by the General Assembly.

16. As at 30 April 2004, the total outstanding assessed contributions to the special account for UNFICYP for the period from 16 June 1993 to 15 June 2004 amounted to $15.2 million. The total outstanding assessed contributions for all peacekeeping operations amounted to $1,273 million.

V. Observations

17. The situation along the ceasefire lines remained calm. The continuous flow of people from both sides through the crossing points has now become a regular

feature on the island. It is encouraging to see a further decrease in the already low number of incidents related to the crossings compared to the previous reporting period. I urge the Turkish Cypriot authorities to provide full freedom of movement for UNFICYP so that it can carry out its mandate more effectively.

18. Following the referenda of 24 April, consultations have been conducted with both sides on the island and the guarantor powers, and I remain convinced that, in the absence of a comprehensive settlement, the presence of UNFICYP on the island continues to be necessary for the maintenance of the ceasefire. **However, in view of the watershed vote of 24 April, and as part of an overall reappraisal of the United Nations peace activities in Cyprus, I intend to conduct a review, to be completed within three months, of UNFICYP's mandate, force levels and concept of operations, in the light of developments on the ground, the positions of the parties and any views the Security Council might have. I will submit recommendations on the adjustments or restructuring that may be required. Meanwhile, I recommend that the Security Council extend the mandate of the Force for a further period of six months until 15 December 2004.**

19. In conclusion, I wish to express my appreciation to Mr. de Soto, Mr. Wlosowicz, Major General Figoli and the men and women serving in UNFICYP for the efficiency and commitment with which they have carried out their responsibilities.

Annex

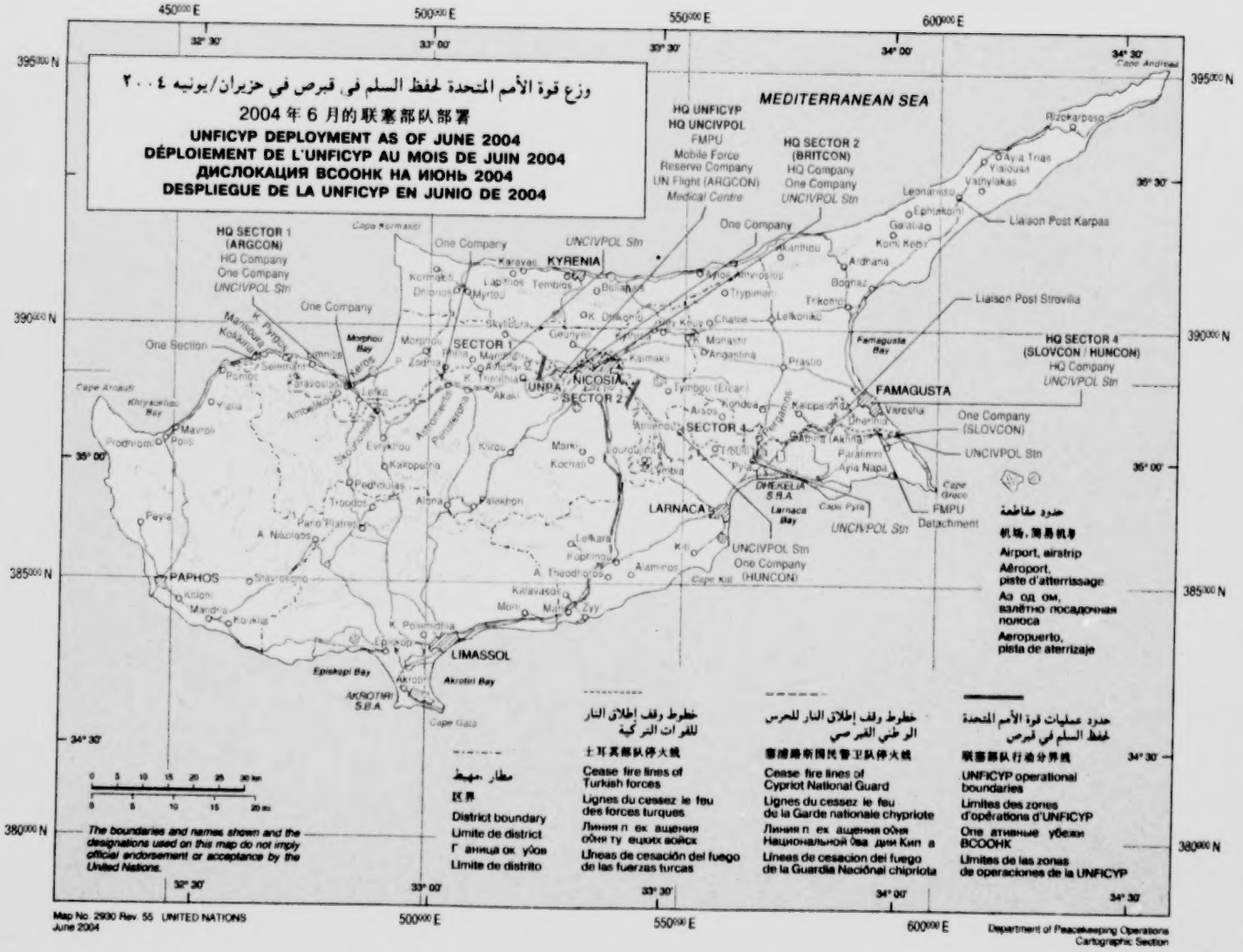
Countries providing military and civilian police personnel

(as of 4 May 2004)

Country	*Military personnel*
Argentina[a]	403
Austria	6
Canada	1
Finland	3
Hungary	122
Ireland	4
Slovakia	276
United Kingdom of Great Britain and Northern Ireland	386
Total	**1 201**

Country	*Civilian police*
Australia	15
India	7
Ireland	20
Netherlands	4
Total	**46**

[a] The Argentine contingent includes soldiers from Bolivia (2), Brazil (2), Chile (32), Paraguay (32), Peru (2) and Uruguay (3).


وزع قوة الأمم المتحدة لحفظ السلم في قبرص في حزيران/يونيه ٢٠٠٤
2004 年 6 月的联塞部队部署
UNFICYP DEPLOYMENT AS OF JUNE 2004
DÉPLOIEMENT DE L'UNFICYP AU MOIS DE JUIN 2004
ДИСЛОКАЦИЯ ВСООНК НА ИЮНЬ 2004
DESPLIEGUE DE LA UNFICYP EN JUNIO DE 2004
MEDITERRANEAN SEA
HQ UNFICYP
HQ UNCIVPOL
FMPU
Mobile Force Reserve Company
UN Flight (ARGCON)
Medical Centre
HQ SECTOR 2 (BRITCON)
HQ Company
One Company
UNCIVPOL Stn
HQ SECTOR 1 (ARGCON)
HQ Company
One Company
UNCIVPOL Stn
One Section
One Company
One Company
UNCIVPOL Stn
One Company (SLOVCON)
UNCIVPOL Stn
FMPU Detachment
UNCIVPOL Stn
One Company (HUNCON)
HQ SECTOR 4 (SLOVCON / HUNCON)
HQ Company
UNCIVPOL Stn
Liaison Post Karpas
Liaison Post Strovilia
KYRENIA
NICOSIA
UNPA
SECTOR 1
SECTOR 2
SECTOR 4
FAMAGUSTA
LARNACA
PAPHOS
LIMASSOL
DHEKELIA S.B.A.
AKROTIRI S.B.A.
Cape Andreas
Rizokarpaso
Ayia Trias
Yialousa
Vathylakas
Leonarisso
Ephiakomi
Galatia
Koma Kebir
Aidhana
Bognaz
Trikomo
Famagusta Bay
Varosha
Paralimni
Ayia Napa
Cape Greco
Cape Pyla
Larnaca Bay
Kiti
Cape Kiti
Alaminos
A. Theodhoros
Kalavasos
Mari
Zyyi
Episkopi Bay
Akrotiri Bay
Cape Gata
Episkopi
Akrotiri
Kolossi
Kouklia
Stavrokono
Khlorakas
Mandria
Polis
Peyia
Paro Platres
A. Nikolaos
Pedhoulas
Troodos
Evrykhou
Kakopetria
Kalopsidha
Alona
Palaichori
Klirou
Kochati
Lourougina
Pyrgos
Arsos
Kondea
Kalopsidha
Akaki
Lythrodondas
Kato Deftera
Ayia Varvara
Kato Pyrgos
Morphou Bay
Morphou
Gerolakkos
Lapithos
Myrtou
Karavas
Dhikomo
Tembria
Bellapais
Trypimeni
Ayios Amvrosios
Skylloura
Ay. Dimitrios
Chatos
Lefkoniko
Kaimakli
K. Monastir
D'Angastina
Prastio
Tymbou (Ercan)
Ay. Sozomenos
Ay. Trimithia
Akaki
Lefkara
Pyrgos
Alethriko
Kato Pyrgos
Limnitis
Pomos
Yialia
Mavroli
Prodhromi
Khrysokhou Bay
Cape Arnauti
Cape Kormakiti
Kokkina
Kato Pyrgos
Agios Epiktitos
Ayios Ermogenis
Ayios Nikolaos
Ayios Theodhoros
Ayios Sozomenos
Ayios Amvrosios

United Nations S/2004/428

Security Council

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Report of the Secretary-General pursuant to Security Council resolution 1521 (2003) regarding Liberia

I. Introduction

1. The present report is submitted pursuant to paragraph 26 of resolution 1521 (2003), of 23 December 2003, in which the Council requested a report by 30 May 2004 drawing on information from all relevant sources, including the National Transitional Government of Liberia, the United Nations Mission in Liberia (UNMIL) and the Economic Community of West African States (ECOWAS), on progress made towards the goals described in paragraphs 5, 7 and 11 of the resolution.

2. In paragraph 5 of the resolution, the Security Council expressed its readiness to terminate the measures imposed in paragraphs 2 (a) and (b) and 4 (a) of the resolution when the Council determined that the ceasefire in Liberia was being fully respected and maintained, that disarmament, demobilization, reintegration, repatriation and restructuring of the security sector had been completed, that the provisions of the Comprehensive Peace Agreement (see S/2003/850, annex) were being fully implemented and that significant progress had been made in establishing and maintaining stability in Liberia and the subregion.

3. In paragraph 7 of the resolution, the Security Council called upon the National Transitional Government of Liberia to take urgent steps to establish an effective certificate of origin regime for trade in Liberian rough diamonds that was transparent and internationally verifiable with a view to joining the Kimberley Process, and to provide the Committee established under paragraph 21 of the resolution with a detailed description of the proposed regime.

4. In paragraph 11 of the resolution, the Security Council urged the National Transitional Government of Liberia to establish its full authority and control over the timber-producing areas and to take all steps necessary to ensure that government revenues from the Liberian timber industry were not used to fuel conflict or were otherwise in violation of the Council's resolutions but were instead used for legitimate purposes for the benefit of the Liberian people, including development.

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II. Information provided by the United Nations Mission in Liberia

Observation of the ceasefire

5. There has been general respect for and maintenance of the ceasefire in Monrovia and other parts of the country since December 2003, although a number of minor ceasefire violations perpetrated by elements of all three armed groups have been reported outside the capital. For instance, there were incidents of sporadic shooting among Liberians United for Reconciliation and Democracy (LURD) combatants in Gbarnga and Voinjama on 11 and 16 January respectively, in Tubmanburg on 30 March and again in Gbarnga on 8, 9 and 11 April. Those incidents were reportedly related to the leadership struggle within LURD between Sekou Damate Conneh and his estranged wife, Aisha Keita Conneh. On 20 March, elements from the Movement for Democracy in Liberia (MODEL) fired into the air and looted a number of shops and houses in Buchanan during a violent confrontation between a crowd of civilians and MODEL combatants.

6. There have been some reports of harassment of civilians, including criminal activities, extortion and looting, by elements of all three armed factions. UNMIL expects that such incidents, including ceasefire violations, will decrease as the disarmament, demobilization, rehabilitation and reintegration programme progresses throughout the country.

Progress in disarmament, demobilization, reintegration and repatriation

7. The disarmament, demobilization, rehabilitation and reintegration programme was initially launched for former Government of Liberia forces at the Camp Scheiffelin cantonment site on the outskirts of Monrovia on 7 December 2003. The process encountered several difficulties, including lack of capacity to accommodate the considerable turnout of combatants presenting themselves for disarmament and misunderstandings among the combatants with respect to the benefits they were expecting to receive. During the first few days of disarmament, disturbances erupted at Camp Scheiffelin and in Monrovia that abated only after UNMIL met with the Defence Minister and commanders of the ex-Government of Liberia forces and agreed to provide disarmed combatants with an advance portion of the transitional safety-net allowance, which was supposed to be paid at a later stage in the programme. On 17 December 2003, the programme was suspended after 12,664 ex-Government of Liberia combatants had been disarmed and 8,686 assorted weapons had been collected. It was subsequently agreed by UNMIL and the leadership of the three factions, LURD, MODEL and ex-Government of Liberia forces, that the disarmament, demobilization, rehabilitation and reintegration process would resume only after all necessary arrangements were in place to ensure a well-prepared, better coordinated and secure operation. The resumption of the programme was contingent on the following preconditions having been met: sufficient UNMIL troop deployment to provide adequate security, implementation of an extensive information and sensitization campaign for combatants, establishment of cantonment sites with operational readiness for demobilization services and

provision by the three armed factions of lists of their fighters, locations and weapons.

8. The disarmament, demobilization, rehabilitation and reintegration programme was relaunched on 15 April, following the achievement of the first three preconditions. For a variety of reasons, the factions were unable to provide comprehensive lists of their combatants, locations and weapons. However, with the exception of LURD, each of them submitted partial lists. The disarmament and demobilization exercise commenced in Gbarnga for LURD combatants on 15 April, in Buchanan on 20 April for MODEL combatants, in Tubmanburg on 25 April for LURD combatants and at the Voice of America site near Monrovia for ex-Government of Liberia combatants on 30 April. Disarmament of ex-Government of Liberia militias also commenced in Kakata on 6 May and in the Buchanan cantonment site initially used for MODEL combatants on 7 May. In the meantime, additional cantonment sites have been identified and are under construction. Except for a few operational problems, the disarmament, demobilization, rehabilitation and reintegration programme has continued in a well-organized, orderly and peaceful manner at all cantonment sites.

9. As at 18 May, a total of 17,485 combatants had disarmed since 15 April. They include 2,292 women, 1,561 boys and 352 girls. Some 5,689 weapons had been surrendered (mainly rifles and semi-automatic machine guns), together with an estimated 930,806 rounds of small arms ammunition and 7,667 pieces of unexploded ordnance (including rocket-propelled grenades, mortar shells and hand grenades). Overall, since December 2003, 30,975 combatants have been disarmed, representing about 58 per cent of the anticipated total of 53,000. Some 14,368 weapons have been surrendered, together with an estimated 3,648,474 rounds of small arms ammunition and 10,317 pieces of unexploded ordnance. As at 30 April, UNMIL had registered 82 foreign combatants, including 11 from Côte d'Ivoire, 1 from Ghana, 59 from Guinea and 11 from Sierra Leone.

10. At the same time, rehabilitation and reintegration projects are being prepared by UNMIL and its partners for disarmed and demobilized ex-combatants. On 26 April, the United States Agency for International Development (USAID), Development Alternatives Incorporated (DAI), which is an implementing agency for USAID, the National Transitional Government of Liberia and UNMIL signed a memorandum of understanding authorizing DAI to manage the Liberian community infrastructure programme. The programme, which focuses on the reintegration of up to 10,000 ex-combatants and 10,000 non-combatants into productive local communities, is already under way. The United Nations Development Programme (UNDP) is selecting project implementing partners for other bridging arrangements, while the Ministry of Education has been requested to provide information related to acceptance guidelines for ex-combatants interested in attending educational institutions. In addition, the United Nations Children's Fund is developing long-term capacity-building programmes for child ex-combatants, most of which will involve education, skills development, apprenticeships and community-based support. The Disarmament, Demobilization, Rehabilitation and Reintegration Joint Implementation Unit is now fully operational and has also developed a reintegration strategy. It should be noted that foreign combatants are participating in the disarmament, demobilization, rehabilitation and reintegration programme, while discussions continue among their respective Governments, as well as among United

Nations country teams and other stakeholders in the subregion, with respect to their repatriation and reintegration into their home countries.

Progress in restructuring the security sector

11. By its resolution 1509 (2003) of 19 September 2003, the Security Council mandated UNMIL to assist the National Transitional Government of Liberia in monitoring and restructuring the police force of Liberia, consistent with democratic policing; to develop a civilian police training programme; and to otherwise assist in the training of civilian police, in cooperation with ECOWAS, international organizations and interested States. UNMIL was also mandated to assist the National Transitional Government of Liberia in the formation of a new and restructured Liberian military force, in cooperation with ECOWAS, international organizations and other interested States.

12. Steady progress is being made in reforming and restructuring the police service. The UNMIL civilian police component has been carrying out its mandated tasks of monitoring and mentoring the Liberian National Police (LNP). Civilian police officers are also co-located with LNP personnel and are assisting in re-establishing the police service in localities where communities are underserved. In addition, UNMIL is providing police training while undertaking longer-term planning for a restructured national police service. In accordance with the provisions of the Comprehensive Peace Agreement, UNMIL has so far trained 530 Liberian National Police officers for the Liberian interim police force. Thematic courses to reinforce the capacity of LNP for criminal investigations, riot control and enhanced general safety and security are also in progress.

13. In the meantime, UNMIL has established a Technical Committee on the Rule of Law comprising representatives of the Ministry of Justice, the National Security Adviser, a representative of the Chief Justice, the Director of LNP and UNMIL civilian police, corrections, judiciary and human rights units. The Committee, which is chaired by UNMIL, was set up to coordinate the reform of the police, judiciary and correctional institutions. It has finalized the eligibility criteria for recruitment into the new police force, which has been renamed the Liberian Police Service. On 5 May, the Chairman of the National Transitional Government of Liberia, Gyude Bryant, and my Special Representative, Jacques Paul Klein, launched the recruitment drive for 3,500 personnel who will be trained over the next two years for the Liberian Police Service. During recruitment, particular emphasis will be placed on the need for ethnic and gender balance. Current members of LNP will not be automatically recruited into the new force unless they meet new recruitment guidelines.

14. With respect to the reform of the military, the United States of America has confirmed that it will take the lead in coordinating the restructuring of a new Liberian military and in that regard is expected to send an assessment team to Liberia to review the restructuring needs of the armed forces in the near future. The United States is also approaching other donors to assist in that effort. In addition, during a visit to Monrovia on 8 May, the Chief of Defence Staff of Nigeria indicated his country's readiness to consider assisting in the training of military personnel for the restructured Liberian Army, if so requested, by the Liberian authorities.

Progress in the implementation of the Comprehensive Peace Agreement

15. Significant progress has been made in implementing other important elements of the Comprehensive Peace Agreement. The Joint Monitoring Committee, the Implementation Monitoring Committee and the International Contact Group on Liberia, all charged with monitoring the implementation of the Comprehensive Peace Agreement, continue to meet regularly with a view to ensuring that the peace process remains on track. On 23 March, the 21-member Cabinet of the National Transitional Government of Liberia was sworn in. The National Transitional Legislative Assembly meets on a regular basis and, as at 6 May, had held 56 plenary sessions. However, the ongoing leadership struggle within LURD, between Sekou Damate Conneh and Aisha Keita Conneh (see para. 5 above), remains unresolved and has caused divisions within the ranks of the movement.

16. With respect to elections, in April a two-week needs-assessment mission dispatched by the Electoral Assistance Division of the Department of Political Affairs visited Liberia to define the future role of UNMIL in the electoral process as foreseen in the Comprehensive Peace Agreement, among other things. The assessment team was given the task of clarifying the mandate of the UNMIL electoral unit, as well as its composition and resource needs. The mission took place at the same time as the electoral assessment visits by the European Commission and a joint team from USAID and the International Foundation for Election Systems. The assessment mission concluded that the National Electoral Commission had very limited capacity to carry out civic and voter education, voter registration, delimitation of constituencies and polling. It added that without extensive international assistance, those activities would not be able to be carried out in accordance with the schedule and parameters set out in the Comprehensive Peace Agreement, which calls for national elections to be held by October 2005. It recommended that a consultative forum be organized, involving all signatories of the Agreement, to clarify some of the ambiguities in the electoral provisions of the Agreement.

Progress in maintaining stability in Liberia and the subregion

17. The National Transitional Government of Liberia has continued its efforts to improve its relations with neighbouring countries. Chairman Bryant has made visits to Côte d'Ivoire, Guinea and Sierra Leone to discuss bilateral issues and restore confidence between Liberia and its neighbours. Efforts are also under way to reactivate the Mano River Union with the help of the United Nations, ECOWAS and the European Union. At the same time, significant steps are being taken to coordinate activities between UNMIL and its counterparts from the United Nations Mission in Sierra Leone (UNAMSIL), the United Nations Operation in Côte d'Ivoire (UNOCI) and the Office of the Special Representative of the Secretary-General for West Africa. On 13 February, the UNMIL Force Commander met in Abidjan with his counterparts from the subregion to discuss military coordination with respect to cross-border activities. My Special Representative also met with his counterparts from UNOCI, UNAMSIL, the United Nations Peace-building Support Office in Guinea-Bissau and the Office of the Special Representative of the Secretary-General for West Africa in Dakar on 18 February to review and coordinate

measures aimed at addressing cross-border issues, including the movement of combatants, the use of mercenaries, the circulation of small arms and the repatriation of foreign combatants. A working-level meeting of the United Nations missions and offices was held on 29 April in Dakar, at which time presentations were made related to the Council's request, contained in the presidential statement of 25 March (S/PRST/2004/7) to strengthen inter-mission cooperation, including on such issues as information and resource sharing, joint patrolling and monitoring and the possibility of cross-border operations. On 21 May, the United Nations partners met in Dakar once again to discuss, among other things, the harmonization of the disarmament, demobilization, rehabilitation and reintegration programmes in the subregion. UNMIL will continue to work in a concerted manner with other United Nations peace operations in West Africa, as well as with ECOWAS, with a view to addressing subregional challenges.

III. Information provided by the National Transitional Government of Liberia

18. As part of its commitment to achieve the goals set out in paragraphs 7 and 11 of Security Council resolution 1521 (2003), on 26 November 2003 the National Transitional Government of Liberia set up a task force on sanctions consisting of a Timber Sanctions Review Committee and a Diamond Sanctions Review Committee. Both committees were given the task of addressing issues related to the resolution and producing reports detailing adequate responses regarding the reform of both sectors.

Progress in establishing a certificate of origin regime for trade in Liberian rough diamonds

19. The Diamond Sanctions Review Committee was to make recommendations on developing an effective, transparent and internationally verifiable certificate of origin regime for trade in Liberian rough diamonds, which would enable Liberia to join the Kimberley Process certification scheme. In submitting its report on 24 December 2003, the Diamond Sanctions Review Committee identified three priorities for the National Transitional Government of Liberia:

- To provide assistance in the setting up of cooperatives with an assured route for artisanal miners from production to Kimberley Process certification and the possibility of hallmarked "for development". (The Committee agreed that this should be the Government's short-term objective.)
- To establish the parameters within which the Government can encourage investment in the mining exploration industry by serious exploration companies intending to bring in major mining investments in hard rock mineral exploration in Liberia.
- To provide a supporting infrastructure based on the Ministry of Lands, Mines and Energy and its subsectors in the geological survey and the Mines Department.

20. The Diamond Sanctions Review Committee also stated that the Government needed to re-establish the basis on which the industry used to work and then add the

extra controls now required by the Kimberley Process to ensure that the source of the diamonds entering the process was established. At the same time, it emphasized that the National Transitional Government of Liberia should do its utmost to encourage external investment in the mineral exploration and mining industries in order to develop a much more vibrant and profitable sector.

21. Other recommendations included the following:

(a) After due consultations with the Diamond High Council on the requirements for compliance with the Kimberley Process Certification Scheme, the National Transitional Government of Liberia should contact the United Nations Security Council Committee on Liberian sanctions indicating its readiness to subscribe to the Kimberley Process, with a view to a possible early review and removal of sanctions against the country;

(b) A comprehensive programme for establishing an effective and credible monitoring mechanism within the administrative structure of the National Transitional Government of Liberia should be developed. Such mechanism should be anchored in the Ministry of Lands, Mines and Energy and should include a capacity-building programme involving the Bureau of Customs and Excise, the Central Bank and the Ministry of Commerce and Industry. The programme should include the setting up of a database on the production and trade of diamonds, with the potential to include information related to other minerals in Liberia in the future;

(c) Contacts should continue with the Diamond High Council of Belgium, through its Director of International Affairs, Mark Van Bockstael (who visited Liberia from 14 to 21 April), to seek technical assistance for Liberia's application to the Kimberley Process;

(d) Liberia must also re-establish contacts with the Kimberley Process to confirm the status of its application for participation and to confirm whether the country's draft certificate was received and approved;

(e) Diplomatic rapprochement should be initiated with China, the United Kingdom of Great Britain and Northern Ireland and the United States to seek support for the participation of Liberia in the Kimberley Process Certification Scheme.

22. The Diamond Sanctions Review Committee further recommended that the National Transitional Government of Liberia:

(a) Undertake a careful assessment of the monitoring schemes established in Angola and Sierra Leone in order to identify the lessons learned;

(b) Establish contacts with the British Foreign and Commonwealth Office, the European Union, USAID, the South African Government and UNDP for technical assistance in setting up Liberia's diamond-monitoring mechanism;

(c) Seek foreign technical assistance for reorganizing the alluvial mining sector with a view to establishing mining cooperatives involving all claim-holders;

(d) Seek assistance on incorporating the alluvial mining sector into Liberia's disarmament, demobilization, rehabilitation and reintegration programme. Training modules should be developed for ex-combatants desiring to engage in diamond and gold mining as an option for a meaningful livelihood through the present UNDP and UNMIL programmes in Liberia;

(e) Undertake a study of mining in general, and specifically diamond mining in Botswana, in order to determine how the medium- and large-scale mining subsectors in Liberia could benefit from the experience of that country.

23. In order to clarify these issues and formulate a detailed policy, the Diamond Sanctions Review Committee recommended that a series of workshops be organized along the lines of the workshops sponsored by the United Kingdom Department for International Development and the World Bank, which had been held in Sierra Leone. It further recommended that the United Nations provide a technical expert as a consultant to the Ministry of Lands, Mines and Energy to facilitate Liberia's compliance with the Kimberley Process as part of the capacity-building programme for the Ministry. The National Transitional Government of Liberia has agreed to the recommendations and has submitted to the National Transitional Legislative Assembly for enactment a bill to amend the new minerals and mining law, by adding a new chapter providing for controls on the export, import and transit of rough diamonds. It is expected that passage of the bill into law will enhance Liberia's compliance with the Kimberley Process Certification Scheme in a transparent manner, thereby enabling the country to fulfil the request contained in resolution 1521 (2003).

24. The National Transitional Government of Liberia has also contacted Mr. Bockstael, of the Diamond High Council of Belgium, seeking further technical assistance on the country's application to join the Kimberley Process. Mr. Bockstael organized a one-day workshop for 15 senior officials of the Ministry of Lands, Mines and Energy during his visit to Liberia in April.

Control over the timber-producing areas and use of revenues from the timber industry

25. The Timber Sanctions Review Committee, which was established on 26 November 2003 by Chairman Bryant, was given the responsibility of developing a road map for the Government to follow to enable sanctions to be lifted and operations in the timber sector to recommence. The Committee was also mandated to find ways to ensure that the profits of the logging and timber sector would benefit the Liberian people and that activities in the sector would be undertaken in a manner consistent with internationally accepted environmental standards.

26. The Timber Sanctions Review Committee held consultations with representatives of government ministries and agencies, as well as with individuals operating in the timber industry. It also conducted a series of consultative meetings in December 2003 with visiting teams from the International Monetary Fund, the World Bank and the United States Government, which have been providing professional, technical and financial support to the National Transitional Government of Liberia in its reform programme. It should be mentioned that the United States Embassy in Liberia and USAID held a two-day workshop, on 15 and 16 December 2003, with the objective of examining and developing the Committee's recommendations, as well as with promoting their implementation. On 26 December 2003, the Committee submitted its recommendations for forestry reforms in six areas of activity (see annex I). It estimates that the recommendations would cost approximately $8.7 million to implement.

27. The Forestry Development Authority, a government institution with responsibility for overseeing the timber industry, also established a Concession Review Committee in January 2004 to review all logging concession agreements in Liberia, to determine their legitimacy, to consider all financial obligations to the Government and to make appropriate recommendations to the Forestry Development Authority. The Concession Review Committee initially comprised staff drawn mainly from the Authority. During the first phase of its assignment, the Committee completed a preliminary review of concession agreements submitted by concessionaires. Its report was later submitted to the Managing Director of the Authority (see annex II), who then commissioned the second phase of the assignment in March. The second phase will include an assessment of the information given by concessionaires, based on a questionnaire devised by the Committee. In an effort to address criticisms over its objectivity and transparency, the Committee has increased its membership to include local non-governmental organizations (NGOs) acting under the umbrella of the "NGO Coalition for Liberia".

28. In early March, the Forestry Development Authority declared all of its regional offices formally open. In April, it opened separate accounts for reforestation and conservation taxes at the Central Bank, in keeping with its agreement to comply with an executive order directing all revenue-generating entities of the Government to deposit their revenues at the Central Bank of Liberia. In that regard, the Authority is also expected to open, at the Central Bank, disbursement accounts to cover general operating expenses and single-purpose accounts to cover reforestation and community development activities. An account for stumpage and other fees may also be opened soon.

29. A United States Government delegation visited Liberia in April to hold discussions with the National Transitional Government of Liberia, the Forestry Development Authority, the private sector and other actors. All interlocutors have declared their interest in assisting the Authority to prioritize needs and to make recommendations, including in the areas of planning, as well as with respect to technical and material assistance aimed at improving forest management. The United States has since committed $1 million to assist with the much-needed reforms for the lifting of the timber sanctions. Similarly, the World Bank has committed $500,000 and is presently conducting an assessment of the forest sector.

30. Once the disarmament, demobilization, rehabilitation and reintegration programme is completed, the Government will be able to establish its full authority and control over the timber-producing areas and to ensure that its revenues from the Liberian timber industry are not utilized to fuel conflict, but are instead used legitimately for development activities to benefit the Liberian people.

IV. Information provided by the Economic Community of West African States

31. For the present report, ECOWAS expressed its satisfaction that the relevant issues had been adequately addressed and indicated its endorsement of the contents of the report.

V. Observations

32. Since its establishment on 14 October 2003, the National Transitional Government of Liberia has made some encouraging progress towards meeting the objectives contained in paragraphs 5, 7 and 11 of resolution 1521 (2003), notwithstanding a number of serious resource and operational constraints.

33. At the same time, much remains to be done to rigorously apply and implement the recommendations for reform of the timber sector made by the Timber Sanctions Review Committee in a transparent and accountable manner. In this regard, the reform programme for the timber sector still needs to be developed into a comprehensive package, with fully defined recommendations, an implementation strategy and timelines. Although some steps have been taken — such as a review of logging concessions — there are still concerns about the current pace of the review process and about the way future concessions could be awarded by the National Transitional Government of Liberia. In that connection, the Forestry Development Authority will need to ensure transparency in revising all forestry concession agreements to reflect international standards and sustainable forest management practices.

34. The National Transitional Government of Liberia does not yet have full authority and control over the timber-producing areas. However, with the steady deployment of UNMIL forces throughout the country, in particular to key areas where logging activities take place, such as Buchanan, Greenville and Zwedru, and with increasing United Nations air and road patrols, the Government's capacity to gradually extend control to timber-producing areas will soon be enhanced. At the same time, however, there is little evidence to suggest that the Government will have sufficient capacity in the short term to assume full control of all timber-related activities. For instance, the Forestry Development Authority has formally declared its four regional offices in Bomi, Buchanan, Greenville and Zwedru open, but it has yet to deploy personnel to staff those offices. It will also take some time to establish local administration in forest areas.

35. It is important to note that as a result of 14 years of civil strife, a significant number of logging records have either been lost or have been only partially preserved, making it difficult to obtain a clear picture of the financial situation of the Forestry Development Authority. The most pressing concerns continue to be the lack of structure, oversight, and accountability in the financial management systems of the timber sector. The Forestry Development Authority will require significant assistance to be able to effectively manage the forestry revenues of Liberia and to prepare its financial and information systems before the forensic and systems audit, funded by the European Union, that is scheduled to take place in July 2004.

36. In relation to the diamond sector, the National Transitional Government of Liberia is making gradual progress in preparing its application to join the Kimberley Process, especially following the visit of a representative of the Diamond High Council of Belgium in April. In making the application, the Government will need to ensure transparency in its procedures and in its method for instituting controls over the export, import and transit of rough diamonds.

37. The members of the Security Council may wish to consider what additional steps should be taken by the National Transitional Government of Liberia and the international community to enhance Liberia's compliance with the provisions of resolution 1521 (2003). In that regard, I would like to acknowledge with

appreciation the assistance that is being provided by some Member States and international organizations to the National Transitional Government of Liberia in its efforts to reform the timber industry and adhere to the Kimberley Process Certification Scheme and would urge those in a position to do so to provide additional support. Such assistance is vital to enable Liberia to make progress towards meeting the goals and objectives of resolution 1521 (2003), which could facilitate an early review of existing sanctions. It is hoped that, through the efforts of the Liberian Government and with the support of the international community, the development activities of the country will benefit fully in the future from the properly managed use of revenues derived from the country's natural resources.

Annex I

Timber Sanctions Review Committee

Reform programmes for lifting sanctions in the forestry sector

Reform programmes	*Description*	*Implementation period*	*Cost (U.S. dollars)*
1. Building the capacity of the Forestry Development Authority	Appoint board of directors	January 2004	-
	Structure management, adequately compensate staff and provide logistics	January-October 2004	7 664 000
	Train field technicians and middle-level staff	February-December 2004	100 000
	Prepare the terms of reference and commission an independent oversight committee with a mandate to raise community awareness, supervise and review non-governmental organizations and encourage sustainable forest management	February 2004	140 000
	Request technical assistance for forestry and financial management	February-March 2004	450 000
2. Improving the sector's transparency and accountability	Commission an audit of the Forestry Development Authority	January 2004	-
	Establish a system for depositing all forestry revenues into accounts directed by the Ministry of Finance at the Central Bank	January 2004	-
	Establish a system for funding Forestry Development Authority accounts with the Central Bank based on budget allocation of biquarterly transfer of funds from Government of Liberia accounts based on standing instruction	December 2003-February 2004	-
	Design a system for separate receiving and disbursing of reforestation and conservation fees	December 2003-February 2004	-
	Establish a system of reporting and making information accessible to the public	February 2004	-
	Set up an independent oversight committee	January 2004	-
3. Reviewing concessions	Recall and review all existing concession agreements	January-February 2004	15 000
	Impose penalties on companies violating sanctions	December 2003-March 2004	
	Prepare addendum to concession agreements reflecting conservation and environmental policies	December 2003-March 2004	

Reform programmes	*Description*	*Implementation period*	*Cost (US dollars)*
4. Conducting a forest inventory	Ground-truthing field surveys and maps from the Geographic Information System	December 2003-February 2004	200 000
	Determine the potential value of forest resources (timber and non-timber forest products)	December 2003-February 2004	
	Provide information for monitoring, taxation and enforcement	December 2003-February 2004	
5. Protecting and developing the park	Reconstruct Sapo Park infrastructure	January-June 2004	100 000
	Provide equipment and materials for park management	January-June 2004	
	Train and deploy park personnel	January-June 2004	
6. Mobilizing technical and financial assistance	Participate in donor meeting and other promotional activities	January-February 2004	50 000
	Discuss bilateral arrangements	January-February 2004	
	UNMIL to complete deployment	By April 2004	
Programme requirements	For Forest Development Authority capacity-building		8 354 000
	For other reform programmes		365 000

Annex II

Recommendations of the Concession Review Committee

The Committee hereby recommends that, predicated upon irregularities and inconsistencies observed in the acquisition of concessions coupled with concession — holders' inability to liquidate their financial obligations to the Government, the Managing Director of the Forestry Development Authority choose from the following, which, when implemented, will occasion transparency and bring about effective forest reform practices:

(a) That all concession agreements be cancelled and all arrears waived and that in the event of cancellation of concession agreements, the present holder be given first preference in the reacquisition of concession areas, provided they meet the terms and conditions required by the forestry laws of the Republic of Liberia; or

(b) That all concessions awarded between 1997 and 2003 be cancelled due to irregularities in the allocation process, performance with respect to forest and fiscal laws and regulations, failure to compensate concession owners for their concessions, political pressure and lack of transparency, as was done by previous elected governments and Forestry Development Authority managements; or

(c) That only those concessions that were legitimate prior to 1997 be approved and allowed to operate; or

(d) That, after signing the agreement, all concessionaires be required to pay in advance all forestry-related taxes based on standing volume before the commencement of normal logging operations; or

(e) That concession agreements be approved by the President and ratified by the National Legislature before the commencement of normal logging activities; or

(f) That the provision of the forestry law which requires the employment of two graduate foresters specifically to a managerial post be reinforced; or

(g) That the provision which prohibits hunting, mining, farming, etc., in the National Park and/or protected areas be reinforced; or

(h) That the 25 per cent offshore surrender scheme for the exportation of forest products be reintroduced; or

(i) That reforestation be privatized but monitored by the Forestry Development Authority and that all fees be deposited in the Central Bank; or

(j) That all proposed protected areas (parks and reserves) be proclaimed by the Government to enhance biodiversity conservation; or

(k) That all concession agreements be processed within the period of 60 days; or

(l) That any concession agreement not ratified by the National Legislature be considered invalid; or

(m) That concessionaires be required to establish processing facilities (sawmills) not later than two years after the contract is awarded; or

(n) That all memorandums of understanding between the Forestry Development Authority and international environmental organizations be reviewed.

United Nations S/2004/429

Security Council

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Letter dated 17 May 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 9 October 2003 (S/2003/1001). The Counter-Terrorism Committee has received the attached supplementary report from Timor-Leste submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 17 May 2004 from the Permanent Mission of Timor-Leste to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Democratic Republic of Timor-Leste to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to transmit herewith the report of the Government of the Democratic Republic of Timor-Leste, in accordance with paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure). A copy of the report also has been forwarded to the Counter-Terrorism Committee by electronic mail.

Enclosure

Democratic Republic of Timor-Leste

Report to the Counter-Terrorism Committee of the Security Council pursuant to paragraph 6 of Security Council resolution 1373 (2001)

The Government of Timor-Leste condemns in the strongest terms the terrorist attacks committed in Madrid on March 11, which resulted in the loss of lives of a great number of innocent people targeted by the extremists that undermine all democratic regimes.

Timor-Leste is fully committed to cooperating with the United Nations, its Member States and particularly with the Counter-Terrorism Committee.

No country is safe from such attacks or from the use of its territory for the practice of terrorist actions. Any strategy aimed at eliminating this dangerous threat to international peace and security must be a common strategy with the participation of the largest number of members of the international community and in which the United Nations should play a leadership role.

After a long, hard and successful struggle for independence, the maintenance of peace and security has become a high priority for Timor-Leste. Accordingly, upon joining the United Nations on 27 September 2002, Timor-Leste immediately assumed its counter-terrorism obligations pursuant to Security Council Resolution 1373 (2001). The Government of Timor-Leste recognizes and appreciates the necessity for international cooperation in order to combat terrorism. However, as a new country, its financial and human resources are limited and much must still need to be done to enact and implement legislation in many areas necessary for governance as well as counter-terrorism.

The difficult task of building the human and institutional capacities and the necessary infrastructures requires time and the continued support of the international community as the challenges of creating a legal framework/system from scratch are enormous and cannot be met overnight. In relation to the legislative process, the Government has prioritized the adoption of laws for the foundation of the State. Gradually the legal vacuum in Timor-Leste is being filled.

In order to strengthen its legal infrastructure, the Government of Timor-Leste is pursuing a two-track approach, namely the drafting and promulgation of national laws and the ratification of, or accession to, the relevant international conventions. This exercise needs to be accompanied by the building of the capacity of its institutions to implement and operate within this framework.

Furthermore, it is Timor-Leste's strongest belief that there shall be no trade-off between effective action to combat terrorism and the protection of human rights. This principle must guide all the legal and institutional frameworks building process that countries may undertake to address the issue of terror.

As declared by the United Nations Secretary-General before the General Assembly last year, in the long, term we shall find that human rights, along with democracy and social justice, are one of the best instrument to prevent and counter terrorism. A successful campaign to

eradicate terrorism needs to address the long-term challenges enumerated in the Millennium Declaration. If we allow economic and social problems to persist, they will be exploited for destructive purposes.

We must tackle these problems working jointly and simultaneously to promote economic and social development in order to fully participate in the international campaign against international terrorism. This requires resources to meet these goals. Developed countries should assume their responsibility for this global threat and make a strong commitment to assist developing countries to meet these demands. Developing countries cannot divert their already scarce resources away from development goals without becoming a breeding ground for terrorism.

The Government of Timor-Leste has appealed, in several regional fora, to the international community to assist developing countries to establish a coordinated and comprehensive approach to terrorism, by providing financial assistance and training.

At the Regional Ministerial Meeting on counter-terrorism, which took place in Bali, Indonesia, from 4 to 5 February 2004, the Minister of Foreign Affairs and Cooperation urged developed countries, as well as international, regional and sub-regional organizations, to assist developing and least developed countries in meeting their international and national obligations to fight terrorism, which includes the allocation of the necessary financial resources to implement such obligations.

Unfortunately there has been no concrete response to these appeals and small developing countries are still struggling with the need to find resources to meet the additional burden of their participation in fighting international terrorism.

Sub-paragraph 1 (a), (b), (c) and (d):

Could the Government of Timor-Leste therefore provide the CTC with an outline of the relevant provisions under its draft national legislation(s), which meet or purport to meet the measures envisaged in these sub-paragraphs, and, in particular, which are intended to give to the International Convention for the Suppression of the Financing of Terrorism Sub-paragraph 1?

1. **Regulation No. 2000/8** promulgated by the United Nations Transitional Authority for East Timor (UNTAET) on Bank licensing and supervision regulates the banking system in Timor-Leste in accordance with the recommendations of the International Monetary Fund and international best practices.

In addition, UNTAET **Regulation No. 2001/30** established the Banking and Payments Authority for East Timor (BPA) for the purpose of providing efficient payments and sound banking systems and operates as Timor-Leste's Central Bank. In July 2003 the Governing Board of the Banking and Payments Authority issued **Instruction No. 03/2003** on the Opening and Maintenance of Deposit Accounts, under which all banks operating in the territory of Timor-Leste are requested to maintain complete identification of depositors to prevent the banking system from being used for money laundering and criminal activities.

2. Given the fact that Timor-Leste has not already adopted any legislation on Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) and the BPA

staff has no experience in such matters, in February 2004 the BPA requested the International Monetary Fund (IMF) for technical assistance in drafting an AML/CFT bill. Following this request, the IMF under the following terms of reference contracted two international experts:

- Scrutinize existing legislation pertaining to banking and other laws of relevance to a future AML/CFT legislation;

- Advise on the need for a sound legal and institutional framework that is in line with current international best practices, the 40 Recommendations of the Financial Action Task Force on Money Laundering (FATF), as revised in June 2003, the Special Eight Recommendations, and relevant UN Conventions;

- Develop an AML/CFT action plan, together with strategies for the effective implementation of an AML/CFT regime;

- Assist the BPA in the initial drafting of AML/CFT risk-based inspection procedures and conduct a training workshop on AML/CFT legal and implementation issues for BPA supervisory staff.

It is envisaged that the draft text will be ready by mid 2004, at which time the document will be circulated to all relevant Ministries for comments prior to consultations with the Council of Ministers and submission to the National Congress for approval.

3. In addition, the Government of Timor-Leste is considering its accession to the International Convention for the Suppression of the Financing of Terrorism (1999) as a matter of priority. Once the final report of the IMF international experts will be issued, the Government will set up a Working Group on the measures and mechanism to be established in order to ensure full implementation and enforcement of the provisions contained in the Convention.

4. In August 2003, Timor-Leste participated in the "Basic Analysis and Suspicious Transaction Reporting" workshop organized by the Southeast Asia Regional Centre for Counter-Terrorism in Kuala Lumpur, Malaysia. The workshop provided participants with skills on how to collect, analyze and share data supplied by financial institutions as well as strengthening the ability of financial institutions to gather and disseminate information regarding money laundering trends and techniques. Throughout the workshop particular emphasis was made on the financing systems of terrorist groups.

Sub-paragraph 2 (a):

Sub-paragraph 2 (a) of the Resolution requires each State, *inter alia*, to criminalize the recruitment of terrorists within its territory and deny them any supply of weapons. Could the Government of Timor-Leste explain to the CTC how its national legislation meets this requirement?

1. Since its independence in May 2002, Timor-Leste has been engaged in a challenging transitional process to become a solid democracy and a fully functioning member of the community of free nations. The difficult and necessary task of building human and institutional capacities and functioning infrastructures requires time and the continued support of the international community. In relation to the legislative process, the Government

has prioritized the adoption of laws for the foundation of the State, such as for instance, the reform of the criminal justice system. In respect to this particular aspect, Timor-Leste is currently taking into consideration the entirety of the requirements of Security Council Resolution 1373 (2001) including the prevention and suppression of the financing of terrorist acts, criminalization of money laundering or any willful facilitation of terrorist financing, as well as the freezing of all economic resources of those people who commit or facilitate terrorist activity.

A team of international and national experts in criminal matters, with the technical cooperation and financial support of the Ministry of Justice of Portugal, is in the process of drafting the Criminal Code and a draft Code of Criminal Procedure respectively. These codes will contain all necessary provisions in order to prevent and suppress transnational organized crime, including terrorism, and set all administrative measures in order to guarantee and enhance international cooperation in criminal matters.

2. Pending the adoption of a new criminal law framework, some provisions contained in the Indonesian Criminal Code are still applicable in the territory of Timor-Leste[1].

(i) With regard to the recruitment of terrorists, the Indonesian Penal Code criminalizes any personal conduct aimed at inciting or inducing the commission of a crime. These provisions, contained in **Article 160**[2] and in **Article 163 bis**[3], **Book II on Crimes, Chapter V on Crimes against the public order**, can constitute a legal basis to prevent the recruitment of individuals for any terrorist purpose. In addition, under the provisions of **Article 187, Book II on Crimes, Chapter VII on Crimes whereby the general security of persons or property is endangered**: "any person who with deliberate intent sets fire, causes explosion or causes a flood, shall be punished: first, by a maximum imprisonment of twelve years, if thereby general danger to property is feared; second, by a maximum imprisonment of fifteen years if thereby danger of life for another is feared; and third, by [life imprisonment or][4] a maximum temporary imprisonment of twenty years if thereby danger of life for another is feared and the act result in the death of someone".

(ii) With regard to the supply of weapons to terrorists, **Article 187 bis, Book II on Crimes, Chapter VII on Crimes whereby the general security of persons or property is endangered**, punishes the transport or import of all objects or/and material that can potentially cause explosion and endanger life or property[5].

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[1] According to Article 165 (Previous Law), Constitution: "Laws and regulations in force in Timor-Leste shall continue to be applicable to all matters except to the extent that they are inconsistent with the Constitution and the principles contained therein".

[2] "Any person who orally or in writing incites in public to commit a punishable act, a violent action against the public authority or any other disobedience, either to a statutory provision or to an official order issued under a statutory provision, shall be punished by a maximum imprisonment of six years (...)".

[3] "Any person who by one of the means mentioned in Article 55 (2) attempts to induce others to commit a crime, shall, if it does not result in the crime or a punishable attempt thereto, be punished by a maximum imprisonment of six years (...)".

[4] This provision does not apply to Timor-Leste for its incompatibility with Article 32 (1) of the Constitution.

[5] "(1) The person who produces, receives, tries to procure, has in store, conceals, transports or imports into [Indonesia] stuffs, objects or tools of which he knows or reasonably must suspect that they are intended or will occasionally be used to cause an explosion, whereby danger of life or general danger to property is feared, shall be punished by a maximum imprisonment of eight years or a maximum light imprisonment of one year. (2) The defectiveness of the stuff, objects or tools referred to in the foregoing paragraph, in causing an explosion above described, shall not exempt from liability to punishment".

3. In October 2003, the National Congress of Timor-Leste adopted the **Immigration and Asylum Law No. 9/2003**, which contains, *inter alia*, several provisions that can constitute the legal basis for criminal prosecution and applications of administrative measures:

(i) **Article 63, Chapter X, Section I**: "The foreigner who commits acts against national security or public order is subject to deportation from the National Territory, but is not exempt from criminal responsibility".

(ii) **Article 82, Chapter XI, Criminal Association:** "(1) All persons who create a group, organization or association whose activities are geared to the commission of the crimes described in the previous Articles [aid to illegal immigration, illegal solicitation of labor and human trafficking] shall be punished by imprisonment of not more than 5 years not fewer than 2 years; (2) The same penalties apply to all members of such groups, organizations or associations; (3) The leaders of those groups, organizations or associations described in the previous paragraph shall be punished by imprisonment of not more than 15 years not fewer than 5 years."

Sub-paragraph 2 (b):

The CTC notes that Timor-Leste is a member of Interpol and actively cooperates with Interpol as indicated at page 3 of its first report. The CTC would welcome receiving an outline of the relevant domestic provisions aimed at providing early warning and exchanging information with other States.

1. Timor-Leste has been a Member State of the International Criminal Police Organization (ICPO-Interpol) since 20 October 2002. In compliance with its legal obligations to cooperate in criminal matters and, in particular, to counter terrorism, a National Central Bureau (NCB) was established in 2003 within the Department for Operations and Strategic Information of the National Police of Timor-Leste UNPOL/PNTL[6].

2. In September 2002, the Pacific Island Forum (PIF) and the South Pacific Chiefs of Police Conference (SPCPC) noted that the various South Pacific Police organizations were not taking advantage of electronic methods of information sharing and secure communications did not exist on a majority of the Islands. Some Law enforcement agencies were connected by insecure Internet Service Providers (ISP) or web mail but the majority was connected by fax. The Interpol member countries of the South Pacific used International dialing to download Interpol mail only. To improve this situation and expand the cooperation and communication between the various police forces, the Australian Federal Police (AFP) proposed to implement a new method that would involve the use of South Pacific local ISP and Virtual Private Network technology. This system was sponsored by the AFP Law Enforcement Cooperation Program (LECP) to enable installation and supply of equipment. The system, to which in Timor-Leste is connected to, is called South Pacific Law Enforcement Extra Net (SplexNet).

The SplexNet provides UNPOL/PNTL with up to date information on a variety of law enforcement matters, particularly on counter terrorism. This exchange of information between law enforcement agencies is based on the fundamental principle that the information

[6] From the Portuguese official name: "Policia Nacional de Timor-Leste".

will be used for law enforcement purposes only, as required by the ICPO-Interpol Chart. The capacity of the National Police to deal with these systems need to be reinforced through training and material resources.

3. Since its creation, the Office of the General Prosecutor of Timor-Leste has received 1,138 international warrants issued by Interpol for a top priority list of terrorists to be monitored in case they enter, or attempt to enter, the national territory. Due to a lack of human and economic resources, Timor-Leste's authorities are unable to process and give duly enforcement to this information. It is of crucial importance that the international community provides Timor-Leste technical and financial assistance in order to implement all necessary measures to counter terrorism and international organized crime.

4. In order to ensure democratic order and internal stability and, *inter alia*, prevent criminality, acts of terrorism and sabotage, the National Congress passed the **Internal Security Act No. 8/2003.** The internal security activity will be carried out under the terms of criminal law and procedures, laws on the National Police and Security Services and all other relevant laws and provisions[7].

All security forces and services called to implement and enforce the provisions under the terms of the Internal Security Act No. 8/2003 are bound by reciprocal duty of cooperation, mainly through reciprocal transmission of data not subject to a special reservation or protection regime and that are indispensable to achieve the purposes of the Act[8].

In addition, international cooperation in criminal matters must be carried out within the framework of the international commitments and the applicable rules of international law, in cooperation with bodies and services of foreign States or International Organizations to which Timor-Leste is party[9].

In this respect, the Timorese competent Authorities, in cooperation with the UNPOL/PNTL and the United Nations Peace-keeping Forces (PKO)[10], and the Indonesian Authorities are engaged in a process of regular and constant exchange of relevant information. The Tactical Coordination Working Group of personnel of the PKF, the Indonesian Army and the Timorese Border Patrol Unit meets on a monthly basis to assess questions and analyze information of crucial importance for both parts.

5. As mentioned *infra* in sub-paragraph 2 (f), the Government of Timor-Leste entered in two special bilateral Agreements with the Government of Australia, which aim at exchanging information, cooperating against people smuggling and at countering terrorism.

[7] See Article 1 (Definition), Chapter 1.
[8] See Article 6 (Cooperation of the Security Forces), Chapter 1.
[9] See Article 4 (Scope of competence), Chapter 1.
[10] Established pursuant to Security Council Resolution 1410 (2002).

Sub-paragraph 2 (c):

The CTC welcomes Timor-Leste's determination not to turn into a safe haven for terrorist. Could Timor-Leste outline the legislative provisions, which ensure that those who commit offences under Sub-paragraph 2 (c) of the Resolution are denied safe haven.

1. As mentioned above in sub-paragraph (a), the National Congress adopted the Immigration and Asylum Law No. 9/2003, which contains several provisions to control the entry or exit from the territory of Timor-Leste and set out strict procedural administrative mechanisms of expulsion from the National Territory.

(i) Under the provisions of Law No. 9/2003, entry into the National Territory shall be refused to aliens who do not fulfill the general legal requisites to be admitted in Timor-Leste, and also to those aliens who constitute a risk or a serious threat to health, public law and order or to the international relations of the Democratic Republic of Timor-Leste[11].

In addition, entry into the National Territory shall also be refused, and a record shall be kept of aliens for whom there are strong elements that indicate they have committed or intend to commit an what qualifies as a war crime, or an act of terrorism or an act contrary to the principles of the rule of law[12].

When the denial of entry is based on the presentation of counterfeit, false, belonging to someone else, or fraudulently obtained documents, the same shall be confiscated and sent to the Department of Migration of the PNTL[13].

The power to deny entry into or exit from the National Territory is vested in the Director of the National Police of Timor-Leste, who may delegate the said power to the Head of the Department of Migration of the PNTL[14] and further sub-delegate to the officers responsible at the border control points[15].

(ii) Deportation from the National Territory of a foreign citizen, pursuant to an administrative decision and without prejudice to provisions in international treaties or conventions Timor-Leste is a party to, is envisaged should he/she commits acts against national security, public order or good moral[16].

2. In order to give proper implementation to the provisions contained in the Immigration and Asylum Law, the Government established the Migration Department of the PNTL (Ministry of Internal Affairs). The Head of the Migration Department has the authority to start deportation proceedings and the Migration Department has the authority to enforce the deportation order[17]. Within the Department of Migration there are five sub-divisions, whose

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[11] See Article 15 (Denial of Entry), Chapter 1.

[12] See Article 29.1 (e) (Refusal of Entry), Chapter 1.

[13] See Article 23 (Confiscation of Travel Documents), Chapter 1.

[14] See *infra* p. 9.

[15] See Article 22 (Power to Deny Entry and Exit), Chapter 1.

[16] See Article 63.1 (b) (Basis for Deportation), Chapter X.

[17] See Articles 66 (Authority over the Deportation Process) and 67 (Authority to Enforce the Decision), Chapter X. See also Internal Security Act No.9/2003, Chapter 1, Article15 (d) (Police Measures).

core functions are the detection and prevention of illegal immigration, people smuggling and terrorism.

3. The acquisition of Timorese citizenship is ruled by the Constitution on the basis of principles of *jure sanguinis* and *jure solis*[18]. Nevertheless, under the provision of the **Citizenship Law No. 9/2002** conviction of a crime against the internal or external security of the State of Timor-Leste, shall constitute grounds for denying the acquisition of Timorese citizenship or its reacquisition[19].

Sub-paragraph 2 (d) and (e):

Effective implementation of sub-paragraph 2 (d) and (e) of the Resolution requires each State to make it a criminal offence for anyone to use its territory for the purpose of committing a terrorist act against another State or its citizens or for the purpose of financing, planning and facilitating terrorist acts against another State or its citizens, whether or not a related terrorist act has been committed or attempted.

Pending the adoption of the Criminal Code and any necessary ad *hoc* anti-terrorism legislation, the procedure outlined in sub-paragraph 1 (1) and 2 (a) above is applicable.

Sub-paragraph 2 (f):

Will a special law be enacted in Timor-Leste in relation to mutual assistance in criminal matters? Are the principles of reciprocity and/or comity to be applied in that regard?

1. As mentioned above, although Timor-Leste is in the process of building its institutions, including its criminal justice system, the Government considers a top priority the drafting of a comprehensive legislation on transnational justice and international cooperation in criminal matters, including extradition and mutual legal assistance.

2. Meanwhile, the Government of Timor-Leste signed two Memoranda of Understanding with the Government of Australia concerning the following matters:

(i) Exchange of Information and Mutual Cooperation in Combating Illegal Immigration and People Smuggling, signed in Bali, Indonesia, on 28 February 2002;

(ii) Co-operation to Combat International Terrorism, signed in Adelaide, Australia, on 25 August 2003.

Sub-paragraph 2 (g):

Could Timor-Leste outline its current provisions relating to (1) border control and (2) the issuance of identity papers and (3) travel documents, particularly those which are directed at preventing the movement of terrorist or terrorist groups?

According to its mandate, the United Nation Mission of Support to East Timor (UNMISET) is called to provide, *inter alia*, interim law enforcement and public security, to

[18] See Constitution, Part I, Article 3 (Citizenship).
[19] See Article 16 (c), Chapter V.

assist in the development of the National Police and to contribute to the maintenance of the external and internal security. In addition, UNMISET is required to implement the following three programs of the Mandate Implementation Plan as set out in section III A 3 of the report of the Secretary-General of 17 April 2002: (1) Stability, Democracy and Justice; (2) Public Security and Law Enforcement; and (3) External Security and Border Control[20].

UNMISET's capacity building strategy includes general measures to maintain peace, law and order in the country, as well as to combat terrorism. In particular, the Knowledge Transfer Program carried out by PKF, aims at training four senior officers of the Timorese Army (Falintil-Forcas da Defesa de Timor-Leste) on, *inter alia*, information processing and analyzing.

Due to the challenges posed by the process of transition, all efforts that the Government of Timor-Leste is currently undertaking on counter terrorism and their success in the medium and long term depend greatly on UNMISET' Peace Keeping Force and UNPOL' technical assistance and training programs. As stated before, Timor-Leste is willing, but unable to sustain counter terrorism practices on the border without constant presence and assistance of the international community. Based on this critical situation, the Government of Timor-Leste recently formally requested a further extension of UNMISET's mandate before the Security Council.

1. Border control

(i) Along the border with the Republic of Indonesia, Timor-Leste has 15 land crossing stations, which are monitored by Immigration and Custom officers and the Border Patrol Unit. Although the control of the border entries rests with the national authorities, the responsibility for dealing with external threats rests, until May 2004, with the UNMISET Peacekeeping Force (PKF) that maintains its patrol zone in the vicinity area of Memo (Maliana) and Suai, known as "PKF Patrol Zone".

(ii) Timor-Leste has also two international airports, which activities are regulated by the provisions of the **Civil Aviation Decree-Law No. 1/2003** that comply with the standards of the International Civil Aviation Organization (ICAO). Several restrictive provisions of Law 1/2003 aim at preventing possible terrorist movements within the National Territory[21].

(iii) Entry into and exit from the National Territory of all individuals can only be made through the border points control and monitored by the immigration authorities that may deny entry into the National Territory to an alien who is not in possession of a valid travel document or visa permission to enter Timor-Leste[22].

Timor-Leste continues to apply the policy of "visa on arrival", as regulated in the Law No. 9/2003, especially due to the fact that the Timorese consulates abroad have not yet implemented the system of issuing visas[23].

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[20] See document S/2002/432.

[21] See Articles 9 – 11, Chapter II (Limits).

[22] See Immigration and Asylum Law No. 9/2003, Article 13 (Border Controls).

[23] See Articles 17 (Entry Visa), 18 (Means of Support), 19 (Purpose and Conditions for Staying), Chapter III and 30 (Places of Issue), Chapter 30.

2. Identity papers and travel documents

(i) Under the provision of Law 9/2003, in order to enter into or exit from the National Territory, aliens must carry their passports or other recognized travel document otherwise the Department of Migration may resort to the most common forms of identification, namely photos and fingerprints, in order to establish or to confirm the identity of the alien[24].

(ii) The **Civil Identification Law No. 2/2004** establishes a precise legal framework for the issuance of Timorese Identity Cards to Timorese nationals in order to prevent falsification[25].

Under the provisions of the **Modification of Passport Regime Decree-Law No. 5/2003**, the Ministry of Justice (Central Civil Registration) and the Consular Divisions of Timor-Leste abroad, the competent authorities, can issue common passports only to Timorese citizens[26].

The **Passport Regime Decree-Law No. 2/2002** entitles an alien to be issued a passport when that person is stateless, is a national of a country without diplomatic representation in Timor-Leste, can prove unequivocally of its inability to obtain another passport or when an alien seeks diplomatic or consular protection abroad under an Agreement of Consular Cooperation between Timor-Leste and the country of origin. Only under exceptional circumstances and with the authorization of the Ministry of Justice, the consular authorities can issue passports to aliens who are outside the National Territory[27]. In addition, the law considers a criminal offence to make false declarations for the purpose of obtaining a passport, to forge a passport or the official seal or to use a forged passport[28].

Following bilateral discussions with Indonesia in November 2003, the Government of Timor-Leste planned to issue special travel documents to Timorese citizens residing in the vicinity of the border to facilitate their border crossings between Timor-Leste and Indonesia. Nevertheless due to a lack of financial resources the system has not yet been implemented with serious consequences on the effectiveness of the control of movement of persons across the land border.

Sub-paragraph 3 (a):

Could Timor-Leste provide the CTC with any relevant provisions in its domestic laws, which cover the requirement of this sub-paragraph of the Resolution?

1. Pending the adoption of an anti-terrorism legislation, the procedure outlined in sub-paragraph 2 (b) is applicable.

2. Timor-Leste is one of the Co-Founders of the Southwest Pacific Dialogue (SWPD) together with Australia, Indonesia, New Zealand, the Philippines and Papua New Guinea. On October 2002, at the inaugural meeting in Yogyakarta, Indonesia, the SWPD Ministers

[24] See Article 16 (Travel Documents and Substituting Documents), Chapter III and Article 129 (Identification of Foreigners), Chapter XV.
[25] See Articles 6 –17, Chapter II.
[26] See Article 1.
[27] See Article 13.
[28] Article 37 of Decree-Law No. 2/2002.

agreed to focus their dialogue on political and security and other issues of common concern such as refugees, terrorism, people smuggling, transnational crimes, marine-related issues, education and economic development.

3. Timor-Leste participates in the Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC).

4. Timor-Leste also participated in the Trilateral Ministerial Meeting between Indonesia, Australia and Timor-Leste at the level of Foreign Ministers. This initiative provided an excellent opportunity for Timor-Leste to share issues of common interest such as security developments in the region, terrorism and transnational organized crime. The first and the second Trilateral Meeting were held in Bali, Indonesia in February 2002 and in Adelaide, Australia in August 2003 respectively.

5. Timor-Leste is also an active participant in the Regional Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Transnational Crimes, known as the "Bali Process"[29]. The conference concluded with the Ministers of Asia-Pacific's commitment to enhance regional cooperation in combating and addressing the issue of people smuggling, trafficking in persons and transnational crime.

6. Timor-Leste also attended the Regional Ministerial Meeting on counter-Terrorism, Bali, 4 - 5 of February 2004. The meeting explored practical ways to strengthen counter-terrorism coordination and cooperation in the Asia-Pacific region, particularly in the critical areas of law enforcement, information sharing and legal frameworks.

Sub-paragraph 3 (c):

The CTC would welcome receiving a list of any bilateral treaties concluded, or planned to be concluded in the near future, between Timor-Leste and other States aimed at preventing and suppressing terrorist attacks.

As mentioned in sub-paragraph 2 (f), the Government of Timor-Leste signed two bilateral agreements with the Government of Australia in order to cooperate in combating illegal immigration, people smuggling, and terrorism.

Sub-paragraph 3 (d):

The CTC would welcome receiving a progress report on Timor-Leste's intention, indicated at page 4 of its report, of becoming as soon as possible a party to the universal international instrument related to the prevention and suppression of terrorism.

Timor-Leste attaches the highest priority to the accession to the 12 major UN Conventions on counter-terrorism and the UN Convention against Transnational Organized Crime (2003). In particular, the Government is currently considering its accession to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); the Convention against Transnational Organized Crime (2003),

[29] Timor Leste participated in the first and the second Bali Ministerial Conference in 2002 and 2003 respectively.

and the South-East Asia Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002).

Sub-paragraph 3 (f):

How does Timor-Leste intend fulfilling the requirements of this sub-paragraph of the Resolution, particularly as regards the granting of refugee status? Has Timor-Leste any legislation in place to ensure that the persons referred to in sub-paragraph 2 (c) of the Resolution are not granted refugee status?

1. On May 2003, Timor-Leste became party to the 1951 Geneva Convention relating to the Status of Refugees and to the 1967 New York Protocol relating to the Status of Refugees.

2. To fully implement the legal provisions contained in the Conventions, the National Parliament adopted the Immigration and Asylum Law No. 9/2003, which, *inter alia*, provides the legal framework within which a person may be granted or have his/her refugee status revoked.

(i) Under the provisions of Law No. 9/2003, asylum cannot be granted to those who have committed crimes against peace, war crimes or crimes against humanity, as described in international instruments designed to preventing such crimes; nor to those who have willfully committed crimes of common law punishable with more than three years of imprisonment; nor to those who have performed any actions contrary to the purposes and principles of the United Nations. Asylum can also be denied if granting it results in a proven risk or justified threat to internal or external security, or to public order[30].

(ii) Once the refugee or exiled status is granted the beneficiary cannot carry out activities that might endanger internal or external security or public order, or that harm relations of the Democratic Republic of Timor-Leste with other States; nor activities that are contrary to the goals and principles of the United Nations or of international treaties and conventions to which the Democratic Republic of Timor-Leste is party to or adheres to[31].

(iii) The right to asylum and, thus, the status of refugee, can be lost when the beneficiary carries out prohibited acts or activities; when the basis invoked for the granting of asylum proved to be false; when are revealed some facts, which if known at the time of the granting, would have resulted in a negative decision; or when a judicial decision to deport the individual given asylum is taken by the competent authorities[32].

All decision of expulsion from the National Territory must be notified to the United Nations High Commissioner for Refugees Representative[33].

[30] See Article 86 (Deportation and Right to Asylum), Section II.
[31] See Article 90, (Prohibited Acts), Section II.
[32] See Article 107 (Causes for Loss of the Right to Asylum), Section II.
[33] See Article 95 (2) (Summary Facts Finding and Decision), Section II.

Sub-paragraph 3 (g):

Is there a special law providing for extradition in Timor-Leste? Could Timor-Leste outline what statutory reasons exist for refusing extradition requests under its domestic law?

1. The **Constitution**, in its Article 35, states that extradition shall take place only following a decision issued by the Court. Extradition shall not be based on political grounds and cannot be authorized when the offence committed by the person is punished by death penalty or life imprisonment or whenever there are grounds to assume that the person may fear torture or other inhuman, degrading and cruel treatment. Furthermore, a Timorese national shall not be expelled or expatriated from the National Territory.

Could Timor-Leste also provide the CTC with the criteria, which it applies to determine whether a particular offence constitutes a political offence under its domestic law? Are any of the offences mentioned under sub-paragraph 2 (c) of the Resolution considered as political offences under the domestic law of Timor-Leste? If not, the CTC would be grateful to receive a copy of the relevant domestic provisions.

As mentioned above in respect to sub-paragraph 2(f), Timor-Leste is in the process of building its institutions, including its criminal justice system. Its agenda is heavy. It is presently dwelling with the preparation of what will become its Criminal Code and it's Code of Criminal Procedure. The question of political offences shall be examined in that context.

Sub-paragraph 4:

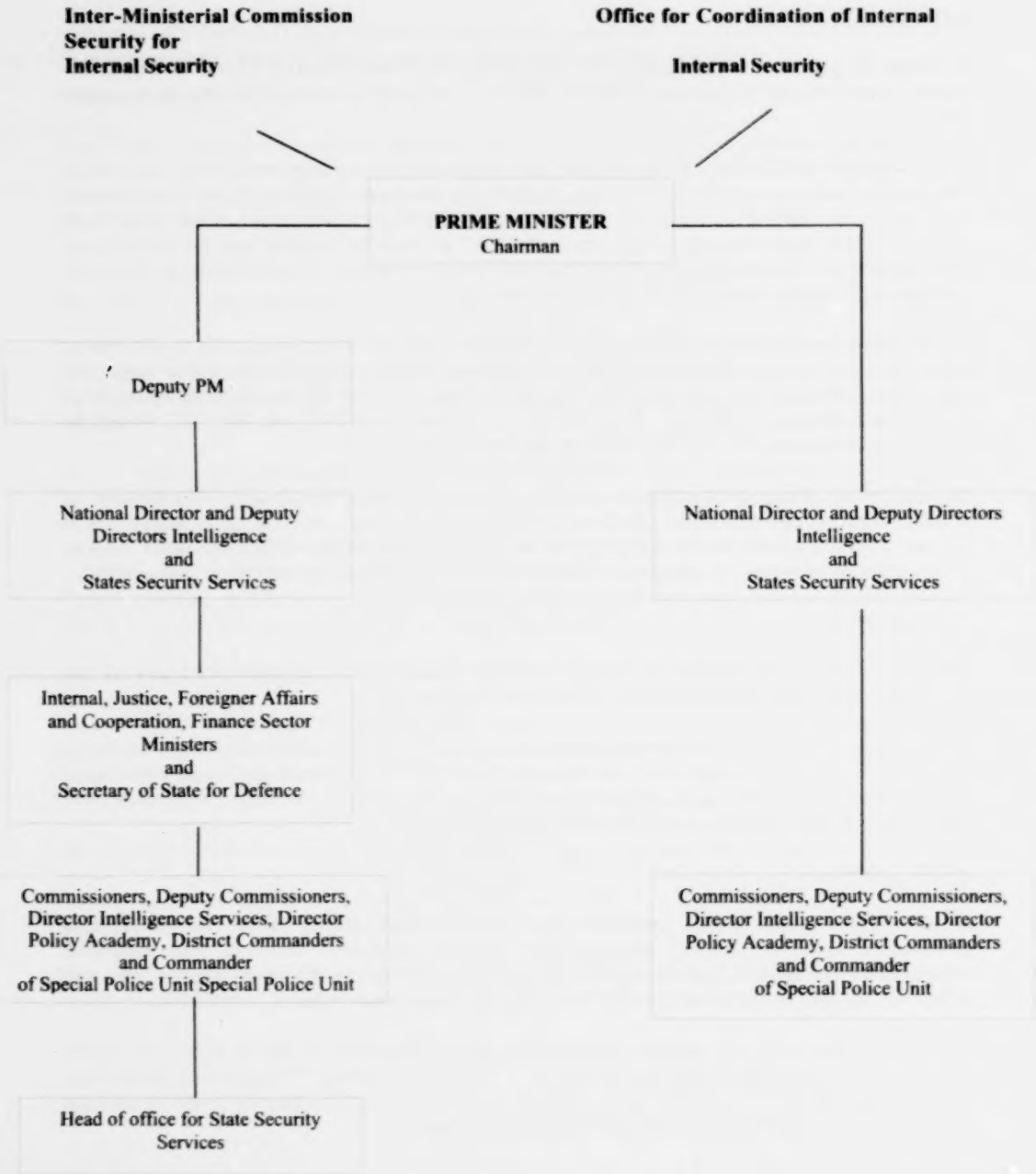
The CTC would be grateful to know whether Timor-Leste has addressed any of the concerns expressed in paragraph 4 of the Resolution.

As mentioned above, in order to implement sub-paragraph 4 of Security Council Resolution 1373 (2001), the Government of Timor-Leste is considering becoming party to the United Nations Convention on Transnational Crime (2003) and requested technical assistance from the IMF in drafting an anti-money laundering legislation.

Other matters:

Could Timor-Leste please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contribution to compliance with the resolution.

The Internal Security Act aims at guaranteeing the enforcement of public peace and order, the protection of people and property and the prevention of crime. To implement these aims, the Act establishes two bodies: Inter-Ministerial Commission for Internal Security and the Office for the Coordination of Internal Security (see below).


Inter-Ministerial Commission
Security for
Internal Security
Office for Coordination of Internal
Internal Security
PRIME MINISTER
Chairman
Deputy PM
National Director and Deputy
Directors Intelligence
and
States Security Services
Internal, Justice, Foreigner Affairs
and Cooperation, Finance Sector
Ministers
and
Secretary of State for Defence
Commissioners, Deputy Commissioners,
Director Intelligence Services, Director
Policy Academy, District Commanders
and Commander
of Special Police Unit Special Police Unit
Head of office for State Security
Services
National Director and Deputy Directors
Intelligence
and
States Security Services
Commissioners, Deputy Commissioners,
Director Intelligence Services, Director
Policy Academy, District Commanders
and Commander
of Special Police Unit

The CTC is aware that Timor-Leste may have covered some or all of the points in the preceding paragraph in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaire as part of Timor-Leste's response to these matters as well as details of any efforts to implement international best practices, codes and standard which are relevant to the implementation of Resolution 1373.

Timor-Leste has ratified five international Conventions related to nuclear disarmament: Biological and Toxin Weapons Convention (BWC), 1972; Chemical Weapons Convention (CWC), 1993; Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 1997; Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 1949; and the Treaty on the Non-proliferation of Nuclear Weapons, 1968. In relation to the protection and promotion of human rights, Timor-Leste has ratified thirteen international Conventions and Protocols. The country's first reports to the Human Rights Treaty Bodies are due in April 2004. Timor-Leste will provide the CTC with all relevant reports upon their completion.

In addition, Timor-Leste will submit the report required pursuant to paragraphs 6 and 12 of Security Council Resolution 1455 (2003) within the terms established by paragraph 22 of Security Council Resolution 1526 (2004). A copy of this report will be transmitted also to the Counter-Terrorism Committee.

Mari Bin Amude Alkatiri
Prime Minister

Done in Dili, Timor-Leste, on 4th May 2004

United Nations S/2004/430

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Third progress report of the Secretary-General on the United Nations Mission in Liberia

I. Introduction

1. By its resolution 1509 (2003) of 19 September 2003, the Security Council established the United Nations Mission in Liberia (UNMIL) for a period of 12 months and requested me to report every 90 days on the implementation of the Mission's mandate. The present report was prepared pursuant to that resolution and covers developments since my report of 22 March 2004 (S/2004/229).

II. Deployment of the Mission

2. During the reporting period, the deployment of troops throughout the country remained a major priority for UNMIL, in order to stabilize the country and create the security conditions necessary for the implementation of other aspects of the Mission's mandate. In late March and April, UNMIL received more troops from Bangladesh, Ethiopia and Pakistan, as well as units from the People's Republic of China and Sweden. The arrival of these troops enabled the Mission to deploy throughout Liberia, with the exception of the area along the border with Côte d'Ivoire in Grand Gedeh and Maryland Counties. A battalion from Senegal scheduled to arrive in June will be deployed in this area.

3. In April, an infantry battalion from Pakistan was deployed to Lofa County, with its headquarters in Voinjama forming Sector 2 of the Mission. With this deployment, UNMIL established a strong presence in a key area along the Guinea-Liberia border previously controlled by elements of the Liberians United for Reconciliation and Democracy (LURD). In addition, the deployment enabled the Mission to establish direct liaison with Sector East of the United Nations Mission in Sierra Leone (UNAMSIL). Also in April, an infantry battalion from Bangladesh deployed to Nimba County to establish Sector 3 with a headquarters in Gbarnga. In order to ensure the widest military coverage of this county, where sporadic skirmishes between LURD and the former government forces have continued, the Bangladeshi battalion deployed two infantry companies along the Guinea-Liberia border in the towns of Ganta and Yekepa; one infantry company at Loguata on the Côte d'Ivoire-Liberia border; and the remaining two infantry companies in the interior of Nimba County, at Saniquellie and Sagleipie. In March, an infantry

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battalion from Ethiopia was deployed to Zwedru, Greenville and River Cess in Sector 4.

4. With regard to support units, the Chinese level II hospital established medical facilities in Zwedru in late April. A Chinese engineering company also established its operational base in Zwedru and deployed a platoon to River Cess for road repairs and maintenance. A Senegalese level II hospital is scheduled to arrive in the Mission in June. The Swedish mechanized infantry company, which arrived in March, reinforced the Irish battalion already in UNMIL as the Mission's quick reaction force, based in Monrovia.

5. The Mission's troop strength stood at 14,131 as at 18 May. In addition to the Senegalese infantry battalion mentioned above, an additional infantry battalion from Ethiopia is expected to arrive in the Mission in late June. This will bring the Mission's troop level to its full authorized strength of 15,000.

6. As at 18 May, the strength of the UNMIL civilian police component stood at 720 personnel, comprising 481 civilian police officers and two formed police units with a combined strength of 239 personnel from Jordan and Nepal. A third formed police unit is scheduled to be deployed in June. UNMIL has requested the deployment of a fourth unit, and consultations with the concerned police-contributing countries are under way. The number of female United Nations civilian police personnel is currently 32, representing 5 per cent of the total civilian police strength; efforts to improve the gender balance of United Nations civilian police are continuing. It is expected that the civilian police component of UNMIL will attain its full strength of 1,115 personnel in July 2004.

7. The deployment of the Mission's civilian police personnel has gradually expanded to areas beyond Monrovia, including Roberts International Airport, Buchanan, Gbarnga, Tubmanburg and Zwedru. The deployments will continue to expand at two-week intervals into Kakata, Ganta, Saniquellie, Salala, Totota, River Cess, Greenville, Robertsport, Bo, Tienne, Sinje, Voinjama, Zorzor, Salayea, Gbarpa, Tapeta, Barclayville, Kongo, Bopolu, Kolahun, Harper, Fish Town, Pyne Town, Grand Cess, Juazohn, Plibo, Sagleipie, Harbel and Careysburg.

III. Security situation and implementation of the ceasefire

8. The ceasefire established pursuant to the 17 June 2003 Ceasefire Agreement is largely holding. Following the deployment of UNMIL troops in all counties, no major skirmishes have been reported between the armed groups. However, the security situation remains fragile, mainly because the disarmament process is yet to be completed. In addition, intra-faction disputes, particularly within LURD, continued to create tension and at times resulted in shooting incidents in some areas. Furthermore, although a National Transitional Government of Liberia programme for distributing food to combatants who are awaiting disarmament has helped to reduce incidents of looting and harassment of civilians by combatants foraging for food, several looting incidents were reported, and combatants in some areas continued to erect checkpoints, which have been routinely removed by UNMIL patrols.

9. However, serious disturbances broke out in Tubmanburg on 30 March, when LURD combatants shot randomly in the air following a dispute between factional

supporters of the group's Chairman, Sekou Damate Conneh, and followers of his estranged wife, Aisha Keita Conneh. UNMIL intervened to contain the incident. On 8 and 9 April, several LURD combatants in Gbarnga fired shots during a reported internal leadership dispute. Some of the combatants set up a checkpoint and threatened UNMIL troops who had gone to the scene to bring the incident under control and dismantle the checkpoint. An exchange of fire with the UNMIL troops ensued, during which one of the combatants was shot and later died from his injuries. A similar incident occurred in Gbarnga on 11 April, and UNMIL troops opened fire when threatened by the LURD combatants. No casualties were reported.

10. On 10 April an intra-LURD dispute between local fighters at Robertsport and LURD combatants from Monrovia escalated into a shootout that ended when UNMIL troops intervened. Yet another disturbance related to internal disputes within LURD occurred on 14 April, when a large group of combatants gathered at Roberts International Airport near Monrovia to welcome Chairman Conneh. All these incidents were reportedly related to the leadership struggles within LURD, which were explained in my previous report (S/2004/229).

11. At the same time, criminal activities carried out by elements of the Movement for Democracy in Liberia (MODEL) were reported in Buchanan. On 20 March, armed MODEL elements fired gunshots into the air and looted a number of shops and houses in the city. A confrontation between locals and MODEL combatants ensued, during which one person was killed. Over 30 MODEL combatants, including one who threw a grenade, were arrested by UNMIL, and 25 of them were taken to Monrovia, where they appeared in court.

12. In Monrovia, the security situation has continued to improve, mainly as a result of the presence of United Nations troops and the collaborative activities of UNMIL civilian police and the Liberian National Police. Under operation Restore Rule of Law, the two organizations have conducted robust joint patrols that tour the streets of Monrovia 24 hours a day. The transition from lawlessness to rule of law in the capital is now steadily taking place. However, some segments of society, in particular students, have resorted to violent demonstrations in making their demands known. Such incidents occurred on 2 and 7 April, when students from the University of Liberia took to the streets to protest the delay in the reopening of the University and to demand a reduction in tuition fees when the University reopens on 31 May. On both occasions, the demonstrations ended following the intervention of UNMIL formed police units along with Liberian National Police. At the request of the United States Embassy, on 22 April UNMIL formed police units intervened to remove some 60 locally recruited personnel who had gone on strike for higher wages and had barricaded themselves in the Embassy compound.

IV. Monitoring the implementation of the Comprehensive Peace Agreement

13. The three mechanisms for monitoring the implementation of the Comprehensive Peace Agreement, namely, the Joint Monitoring Committee, the Implementation Monitoring Committee and the International Contact Group on Liberia, continued to meet regularly during the reporting period. The Joint Monitoring Committee, which is chaired by the UNMIL Force Commander, held five meetings to assess compliance by the armed groups with the ceasefire. The

Committee noted that while fighting among these groups had almost completely ended, intra-faction disputes and criminal activities remained a serious threat to security, as described in section III above. The Committee also continued to serve as a useful forum for assessing the implementation of the disarmament, demobilization, rehabilitation and reintegration programme and for collecting information from the armed factions on the lists and locations of their combatants, as well as their military equipment. In this regard, the factions have been slow to provide the required information.

14. The Implementation Monitoring Committee, which is chaired by the Economic Community of West African States (ECOWAS), held its third meeting on 27 April, during which it reviewed the progress made in implementing the disarmament, demobilization, rehabilitation and reintegration programme and the UNMIL strategy for the restructuring and training of the Liberian National Police. The Committee reiterated its continued support for future reintegration programmes.

15. The International Contact Group on Liberia has collaborated closely with UNMIL to ensure that the peace process remains on track. In this regard, it continues to meet regularly in Monrovia. On 16 April, a special session of the National Transitional Legislative Assembly received a visiting delegation of the Contact Group, including its co-Chairmen (the Minister for Foreign Affairs of Ghana, Nana Akufo-Addo, and the Special Representative of the Presidency of the European Union to the Mano River Union region, Hans Dahlgren, State Secretary for Foreign Affairs of Sweden). In their message to the Legislative Assembly, the co-Chairmen stressed the need for transparency, cooperation and progress in preparing for the 2005 elections. The Contact Group also met in London on 11 May to assess the progress made in the Liberian peace process. The meeting welcomed the progress made in the implementation of the Peace Agreement since its previous meeting in February and complimented UNMIL and its partners for the successful relaunching of the disarmament, demobilization, rehabilitation and reintegration programme. On the elections, the Contact Group stressed that the electoral process should be owned and led by the Liberians with well-harmonized support from the international community. Furthermore, the meeting recognized the necessity of a subregional approach for resolving many of the issues at hand and, to this end, proposed that the mandate of the Contact Group be expanded to cover not only Liberia, but also wider subregional issues.

16. In all the assessments made by the monitoring mechanisms, it was noted that both the National Transitional Government of Liberia and the National Transitional Legislative Assembly are making sincere efforts to discharge their statutory responsibilities. The major issue of appointments to the Transitional Government, which had hitherto strained relations between Chairman Bryant and the armed factions and made it difficult for the Transitional Government to function smoothly, has been largely resolved. The ECOWAS chief mediator, General Abdulsalami Abubakar, visited Monrovia in April and facilitated a rapprochement between Chairman Bryant and the Speaker of the Legislative Assembly, and the latter began the process of confirming nominees to the 81 assistant ministerial and other executive positions in the Transitional Government, which had previously been an issue of dispute. The 21-member Cabinet of the Transitional Government was formally sworn in on 23 March and has since met regularly. However, two seats in the Legislative Assembly remain vacant because of ongoing disagreements among the relevant stakeholders in Grand Kru County and the All Liberian Coalition Party.

V. The disarmament, demobilization, rehabilitation and reintegration programme

17. With the progress made in deploying troops throughout the country, and following an intensive public-information programme, UNMIL successfully re-launched the disarmament, demobilization, rehabilitation and reintegration programme on 15 April at a cantonment site in Gbarnga for LURD combatants. Subsequently, further cantonment camps were opened, on 20 April in Buchanan (for MODEL), on 25 April in Tubmanburg (for LURD) and on 30 April at a site named "Voice of America", near Monrovia (for former government forces). Disarmament also commenced for ex-Government of Liberia militias at Kakata on 6 May and in the Buchanan cantonment site initially used for MODEL combatants on 7 May. The disarmament process has proceeded without major problems at all these sites. However, on 17 May, a group of armed ex-Government of Liberia combatants gathered in the centre of Monrovia demanding to be transported to a cantonment site to be disarmed. The combatants rioted when they were informed that they were scheduled to undergo disarmament, demobilization, rehabilitation and reintegration at a later stage, and during the violence one of them was killed. UNMIL troops and civilian police quickly intervened to prevent the situation from escalating.

18. As at 18 May, a total of 17,485 combatants had been disarmed since 15 April. These include 2,292 women, 1,561 boys and 352 girls. Some 5,689 weapons were surrendered (mainly rifles and semi-automatic machine guns), together with an estimated 930,806 rounds of small arms ammunition and 7,667 pieces of unexploded ordnance (including rocket-propelled grenades, mortar shells and hand grenades). Overall, since December 2003, a total of 30,975 combatants have been disarmed, representing about 58 per cent of the anticipated caseload of 53,000. Some 14,368 weapons have been surrendered, together with an estimated 3,648,474 rounds of small arms ammunition and 10,317 pieces of unexploded ordnance.

19. The overall number of weapons has been lower than expected, although combatants have surrendered significant quantities of ammunition. There are worrying signs that some of the heavy weapons are not being turned in during the disarmament exercise and, in several instances, have been smuggled across the borders of Liberia. In this regard, UNMIL found a cache of 81-millimetre and 61-millimetre mortar grenades and several 107-millimetre BM-21 missiles at Camp Alpha in Lofa County. On 3 May, the Swedish explosive ordnance disposal team from UNMIL force headquarters visited the camp to destroy the munitions.

20. By the end of April, UNMIL had registered 82 foreign combatants, including 11 from Côte d'Ivoire, 1 from Ghana, 59 from Guinea and 11 from Sierra Leone. However, it is believed that the number of foreign combatants who have been disarmed since December 2003 is actually much greater than that. As the disarmament and demobilization process continues and cantonment sites are established closer to border areas, it is expected that increasing numbers of non-Liberian combatants will be identified.

21. The modalities are being finalized for the voluntary reintegration and repatriation of the foreign combatants in their respective countries of origin, with particular attention to the special needs of women and children associated with the fighting forces. A small working group comprising representatives of UNMIL, the International Committee of the Red Cross (ICRC), the Office of the United Nations

High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) has developed a framework outlining the major aspects of these arrangements. This framework includes the ongoing family tracing and reunification activities, which UNICEF, ICRC and child-protection agencies are carrying out in the subregion. Discussions have also been held with the United Nations country team in Guinea, my Special Representative for Sierra Leone, the UNDP Resident Representative in Côte d'Ivoire and national authorities in Sierra Leone on arrangements for the reintegration of repatriated combatants.

22. With the disarmament and demobilization components of the programme now firmly on track, UNMIL and other concerned partners are focusing on the reintegration aspects of the programme. In collaboration with the National Transitional Government of Liberia, United Nations agencies, the United States Agency for International Development (USAID), the European Union, non-governmental organizations and other partners, short-term "bridging programmes" have been devised to absorb the demobilized combatants pending the availability of a long-term reintegration programme. In this context, UNICEF is developing long-term capacity-building programmes for child ex-combatants, most of which will focus on education, skills development, apprenticeships and community-based support. UNDP is also finalizing a strategic framework for the reintegration of ex-combatants for a targeted caseload of 22,900, to be funded under its Trust Fund established for this purpose, for which $13 million out of a required $16 million has been received. However, only $4 million remains available, and additional resources are urgently required. As UNHCR embarks on the repatriation and reintegration of the expected 150,000 returning refugees and 100,000 internally displaced persons this year, it will include ex-combatants in its reintegration projects to be implemented at the returnee-community level. USAID is providing $47.9 million for bridging programmes for an expected caseload of about 10,000 ex-combatants and 10,000 people from peri-urban and rural communities. In addition, the European Union will fund the targeted reintegration of about 2,000 ex-combatants, while Japan has earmarked $3.64 million for the reintegration of child ex-combatants.

VI. Support for security sector reform and the rule of law

23. The registration of Liberian law enforcement personnel is proceeding on schedule. As at 1 May, 3,492 members of the Liberian National Police had been registered, including 1,252 from the former Special Security Service, 171 members of the Monrovia City Police, 494 members of the Bureau of Immigration and Naturalization and 201 members of other agencies. It is envisaged that the registration process will be completed by September 2004. So far, UNMIL has trained 530 Liberian National Police officers who have met the basic eligibility requirements and will serve as the Liberia National Police for an interim period. The UNMIL gender component has provided intensive training since January 2004 for these interim police officers, aimed at raising awareness in respect of gender, gender-based violence and gender issues in policing.

24. A major project to rehabilitate the police station at Bushrod Island in Monrovia was successfully completed in April. The station is staffed by interim police officers, who are complemented by UNMIL civilian police advisers. In support of the interim training for Liberian police personnel at Roberts International Airport,

the Government of Sweden has donated equipment to assist in the proper examination of passports.

25. In order to ensure a holistic approach in supporting the reform of Liberia's security sector, a Rule of Law Implementation Committee has been established to coordinate the reform of the police, the judiciary and correctional institutions. The Committee — which is chaired by the Deputy Special Representative for Rule of Law and comprises the Minister of Justice, the National Security Adviser, a representative of the Chief Justice, the Director of the Liberian National Police and representatives of the UNMIL civilian police, corrections, judiciary and human rights components — is currently formulating the strategy for the reform and restructuring of the police force, which has been renamed the Liberian Police Service. The Committee has finalized the eligibility criteria for recruitment into the Liberian Police Service.

26. UNMIL civilian police officers have also launched a sensitization drive for recruitment into the new force, with emphasis on the need for ethnic and gender balance. The National Transitional Government of Liberia and UNMIL launched the recruitment process on 5 May. Current members of the Liberian National Police will not be automatically recruited into the new service; they will have to meet the newly established criteria. Selected candidates will enter a three-month training programme at the Liberian Police Service Training Centre, which is scheduled to begin on 1 July. This will be followed by a six-month on-the-job training programme, after which the recruits will return to the Academy for final testing.

27. UNMIL is also working in partnership with the Ministries of Justice, Health and Education in order to implement proper medical screening and ascertain the educational qualifications of the candidates. It is hoped that funding will be forthcoming for the rehabilitation and expansion of the capacity of the Police Service Training Centre. With donor support, UNMIL expects to increase the very limited capacity at the site of the previous Liberian Police Academy, from fewer than 100 to 600 recruits per session. This would allow the training of some 1,800 officers for the Liberian Police Service before the national elections scheduled for October 2005.

28. With regard to the judiciary, UNMIL has continued to work closely with interested international partners, officials from other United Nations agencies and national legal professionals from the judiciary, the Ministry of Justice, the Defence Bar and civil society in order to constructively address the tremendous problems facing the legal and judicial system. In this regard, efforts have been made to secure funding through the UNMIL quick-impact project programme to commence small-scale but essential rehabilitation work on the infrastructure of the Temple of Justice in Monrovia. UNMIL has also started its monitoring, advisory and training programmes. Beginning with Monrovia, the institutional advisers and monitors are now being co-located in the relevant rule-of-law institutions to enable UNMIL to track progress and make appropriate recommendations. Furthermore, UNMIL continues to work closely with the Chief Justice to coordinate plans for the opening of circuit and magistrates courts after the disarmament, demobilization, rehabilitation and reintegration exercise is complete and the counties are declared secure. In this regard, judges have already been vetted and 17 courts (criminal, civil and specialized) have been reconstituted, mainly in Monrovia and its environs, with the exception of one circuit court in Kakata.

29. The UNMIL corrections component continues to work with the Ministry of Justice and local and international non-governmental organizations on the development of the correctional system in Liberia. Monrovia Central Prison opened on 24 March, with 19 cells refurbished by ICRC. While it is far from being an ideal facility, the opening was intended to relieve some of the crowding at police holding cells in Monrovia. Unfortunately, with the opening of the prison came a significant number of new detainees. There are currently only four functioning prisons in Liberia: Monrovia Central, Bondiway, Kakata Central and Saniquellie. Each is still substandard and understaffed. Police holding cells continue to be used to house court detainees where no prison exists. Policies are in place requiring the separation of women and children; however, separate facilities for these groups do not exist. The National Transitional Government of Liberia continues to struggle with the provision of food, medical care and transport of prisoners. Temporary assistance provided by international agencies has helped to provide care for prisoners. Forty-five staff have been trained as interim correctional officers. This number is insufficient, but individuals are unwilling to work for the current government salaries. Work has also commenced on a penal reform development plan.

30. With regard to the restructuring of the armed forces, discussions are ongoing between the United States Government, which is taking the lead on this important task, and the National Transitional Government of Liberia on key issues, including the criteria for recruitment and the anticipated size of a restructured army. In addition, during a visit to Monrovia on 8 May, the Chief of Defence Staff of Nigeria indicated his country's readiness to consider assistance in training military personnel for the restructured Liberian army, if so requested by the Liberian authorities.

VII. Public information

31. The public information component of the Mission has continued to play a vital role in disseminating information on the peace process through radio and community outreach, utilizing traditional means of communication, theatre and comedy, and collaboration with the local and international media. The public information campaign to educate the Liberian public and combatants about the disarmament, demobilization, rehabilitation and reintegration programme has focused on communicating key information on the resumption of the disarmament and demobilization process and the provision of daily updates on progress achieved. Its wide dissemination of information on the disarmament, demobilization, rehabilitation and reintegration programme has contributed to a smooth evolution of the process. UNMIL has also begun an outreach campaign relating to the rehabilitation and reintegration of ex-combatants, focusing on the need for community acceptance and reconciliation. Capacity-building and training workshops for local journalists, which are in the final planning stages, should also strengthen the UNMIL partnership with the media. UNMIL Radio has significantly boosted the public's knowledge of all aspects of the peace process. With the recent arrival of transmitter equipment, UNMIL Radio's broadcasts will be extended throughout the country.

VIII. Restoration of State authority throughout the country

32. UNMIL has continued to work closely with relevant national authorities to formulate and execute a comprehensive strategy for the return of government officials to their areas of authority. It should be noted that even in areas where the former Government of Liberia was in control, civil authority and administration were lacking due to a number of factors. Besides security concerns, officials continue to lack basic facilities and the resources to rehabilitate or reconstruct public facilities. In Monrovia, most government ministries still lack the basic equipment and logistics support necessary to effectively carry out their assigned functions.

33. With the support and encouragement of the civil affairs component of UNMIL, the Minister of Internal Affairs established a task force for the restoration of civil authority to formulate a phased and gradual deployment of government officials to all counties. To date, superintendents have been deployed to Bong, Margibi, Montserrado, Grand Bassa and Nimba counties. Plans for deployment to the counties where UNMIL has begun the disarmament of combatants are at an advanced stage. However, two major problems stand in the way of this programme: disputes between local authorities appointed by the armed factions and the devastated state of facilities and infrastructure. Regarding the former, civil affairs officers have often intervened to ensure that such disputes are resolved amicably. In the latter case, it has been agreed with the Ministry that a needs-assessment mission involving UNMIL, UNDP, the Ministry of Internal Affairs and other partners should, as a matter of priority, be fielded to take stock of infrastructure at the county level.

34. Since early April, UNMIL has begun to deploy civil affairs officers in various parts of the country, including to the four sector headquarters in Tubmanburg, Buchanan, Zwedru and Monrovia, as well as in Robertsport, Bensonville, Kakata, Tapeta, Greenville, Gbarnga, Sinje and Voinjama. They have initiated contacts with existing local and traditional authorities and other groups on the ground. Civil affairs officers would also be assigned the task of providing assistance to the National Transitional Government of Liberia and other relevant agencies handling the implementation of projects for the reintegration of ex-combatants, internally displaced persons and returnees in their communities.

35. In its resolution 1509 (2003), the Security Council mandated UNMIL to assist the National Transitional Government of Liberia in restoring proper administration of natural resources. UNMIL has continued to monitor progress made by the Government to put in place mechanisms to ensure the proper management of two key natural resource industries, namely, diamonds and timber, which are subject to United Nations sanctions. In this regard, on 23 November 2003, as part of its commitment to achieve the goals set out in paragraphs 5, 7 and 11 of Security Council resolution 1521 (2003) of 22 December 2003, the National Transitional Government of Liberia set up a task force on sanctions, which consists of a Timber Sanctions Review Committee and a Diamond Sanctions Review Committee. Progress made in this area is described in my report S/2004/428 of 26 May 2004.

IX. Elections

36. Article XVIII of the Comprehensive Peace Agreement (see S/2003/850) provides that "the National Elections Commission (NEC) shall be reconstituted and shall be independent". Article XIX of the Agreement determines that elections shall be held not later than October 2005 and requests "the United Nations, the African Union, ECOWAS and other members of the international community, as appropriate, to jointly conduct, monitor and supervise the next elections in the country". It further calls for a re-demarcation of constituencies and states that "voter education and registration ... shall be organized by the newly reconstituted NEC, in collaboration with other national and international organizations under the supervision of the United Nations". Assistance will be needed to enable refugees currently in neighbouring countries who may wish to participate in the elections, as well as internally displaced persons currently in camps, to return to their places of origin in time to take part in the elections. In collaboration with the Government of Liberia and countries of asylum, UNHCR has drawn up a voluntary repatriation operations plan that is expected to commence in October 2004.

37. In April, the Electoral Assistance Division of the Department of Political Affairs sent an assessment mission to Liberia to develop proposals on the role that the United Nations could play in supporting the electoral process, in cooperation with other stakeholders such as ECOWAS, the African Union, the European Union and the International Contact Group on Liberia, as envisaged in the Comprehensive Peace Agreement. The assessment team was also to formulate proposals for the reform of the electoral system (including the legal framework), formulate a possible time line of activities and assess existing activities. The mission was carried out at the same time as electoral assessment visits by the European Commission and a joint USAID/International Foundation for Election Systems team. The assessment mission concluded that the National Elections Commission, as presently reconstituted, has very little material and staff capacity to carry out civic and voter education, voter registration, constituency delimitation and polling. It stressed that without extensive international assistance, these activities cannot be carried out on schedule. The mission recommended that a meeting be held as soon as possible involving all signatories of the Agreement to clarify these issues so that the Commission can start preparations for the October 2005 elections.

38. The expected United Nations role in the elections will require 32 international posts, 11 national Professional posts, 49 national General Service staff for one year in the UNMIL electoral unit and 92 national General Service staff to work in the Unit's data centre for five months. In addition, 220 United Nations Volunteers will be hired for periods ranging from six to nine months. Moreover, it will be necessary to recruit 4,080 temporary registration staff for six months. To jump-start the process, registration material and some funding for voter education will also be included in the UNMIL budget. However, salaries and equipment needs for members of the National Elections Commission and their support staff will have to be covered through other means.

39. In providing support for the electoral process in Liberia, UNMIL will be guided by two key objectives: (a) to assist the conduct of credible elections with all necessary expertise and (b) to leave behind a Liberian election management body that will rely less on international assistance for elections following those scheduled for October 2005.

X. Human rights and protection of civilians

40. The human rights and protection component of UNMIL has continued its monitoring and reporting in all areas of the country where State authority has been established. During the period under review, the component has worked closely with the Ministry of Justice to resolve the long-standing problem of overcrowding in prisons and police holding cells in Monrovia. On the request of the human rights and protection component, the USAID Office of Transitional Initiatives has agreed to fund a team of Liberian human rights lawyers to take up, on a pro bono basis, the cases on behalf of persons currently in holding cells awaiting the adjudication of their cases. Acting in collaboration with the UNMIL corrections component, human rights officers have participated in the training of a group of corrections officers at Monrovia Central Prison.

41. As part of its ongoing efforts to support transitional justice mechanisms in the country, UNMIL has also worked with a Liberian umbrella group called the Transitional Justice Working Group. In addition, my Special Representative, Jacques Paul Klein, wrote to Chairman Bryant requesting his intervention to ensure the early passage of the enabling laws specifying the duties, powers and jurisdiction (temporal and geographical) of the Independent National Human Rights Commission and the Truth and Reconciliation Commission. Furthermore, my Special Representative also urged the Chairman to complete the process of ratifying the International Covenant on Civil and Political Rights (and its First Optional Protocol), the International Covenant on Economic, Social and Cultural Rights and the Rome Statute of the International Criminal Court. In addition, UNMIL has sent reminders to the Government regarding a draft human rights declaration, which was forwarded for its consideration on 29 October 2003. That declaration proposes guidelines, benchmarks and priorities for collaborative national action in the field of human rights.

42. With regard to human rights training, UNMIL has also developed a strategy for the integration of human rights in school curricula, as well as a teachers' human rights sensitization syllabus. The human rights and protection component is working on the establishment of a human rights training and resource centre. The Office of Transitional Initiatives will provide equipment, and UNMIL and the Office of the United Nations High Commissioner for Human Rights will provide human rights books and other reference materials for the centre. In addition, UNMIL has participated in a human rights sensitization training workshop for community leaders. It also designed a training programme in human rights for law enforcement agencies. In order to encourage international advocacy in response to the human rights needs of Liberia, the Independent Expert of the Commission on Human Rights will undertake a mission to Liberia from 23 May to 13 June 2004.

XI. Humanitarian situation

43. The relative stability in recent months, coupled with the resumption of the disarmament process, has improved the humanitarian situation and facilitated access for agencies to previously inaccessible areas. However, living conditions in urban communities are still characterized by overcrowding and a general lack of public services. The influx of significant numbers of internally displaced persons has forced thousands not only into camps for the displaced where basic services are

available, but also into communal living, in which there is a considerable risk of exposure to epidemic diseases. Most primary and secondary schools are also operating, especially in urban areas, garbage is being collected and overland transport along the major roads is becoming increasingly more secure.

44. The United Nations country team in Liberia is working to ensure a well-coordinated and coherent response to the humanitarian needs of Liberia. The Humanitarian Aid Coordination Forum, chaired by the Humanitarian Coordinator, continues to provide strategic direction and substantive guidance to the humanitarian community. Sectoral working groups, with the participation of local and international non-governmental organizations and other partners on refugees, repatriation and reintegration, shelter and non-food items, health and nutrition, water and sanitation, protection, food security, disarmament, demobilization, rehabilitation and reintegration, education, logistics and public information are in place to respond to the various challenges being faced. The Humanitarian Information Centre has also contributed immensely to strengthening the information management capacity of the humanitarian community. The Humanitarian Operations Centre was launched in November 2003 to consolidate all common services aimed at facilitating the effective delivery of assistance, including in respect of security, civil-military coordination, logistics, communications and information, and it continues to render critical operational support to national and international humanitarian actors.

45. The resumption of the disarmament, demobilization, rehabilitation and reintegration process has brought an easing of the security restrictions that until now have hampered the deployment of United Nations staff outside of Monrovia. The United Nations security phases have been lowered from level 5 to level 4 in 10 of Liberia's 15 counties, allowing UNMIL and a number of the United Nations agencies to begin deploying staff in the field. These include UNHCR (in Sagleipie, Gbarnga, Tubmanburg and Zwedru, and to cover its work in Voinjama, Harper and Gbarpolu, from those locations), the Office for the Coordination of Humanitarian Affairs (in Gbarnga and Zwedru) and the World Food Programme (WFP) (in Gbarnga).

46. With regard to the situation of internally displaced persons and returnees, there are an estimated 300,000 internally displaced persons in camps, this number having increased recently as a result of spontaneous returns of Liberians from neighbouring countries. Such returns have been ongoing, with an estimated 80,000 already returned to various home communities in the country. Recently, 239 Liberians stranded in Mali were airlifted home by UNMIL with assistance from UNAMSIL in support of UNHCR. It should be noted, however, that this current piecemeal approach is not being encouraged, and UNMIL is working, in collaboration with UNHCR and the Office for the Coordination of Humanitarian Affairs, in support of a broad and organized process of return.

47. The deployment of UNMIL peacekeeping troops along the border between Sierra Leone and Liberia has enabled UNHCR to resume the land repatriation of Sierra Leonean refugees. More than 3,500 refugees have been assisted since January 2004. Large-scale operations for the return of refugees are unlikely to begin before October 2004, when the rains are expected to subside, thus making transport and agricultural activity easier. In the meantime, UNHCR and ICRC have begun replacing thousands of damaged and low-quality tarpaulins in some of the camps,

and the Norwegian Refugee Council is currently carrying out a survey to best target those most in need of such support.

48. Efforts are also continuing to enhance inter-agency cooperation in Liberia. In this context, WFP, UNICEF, UNHCR and UNDP have taken steps to integrate their school-based rehabilitation activities. WFP will carry out school feeding programmes, UNICEF will identify and address water and sanitation needs and UNDP will provide assistance through school-focused rehabilitation projects that emphasize community participation, while UNHCR is providing transportation to displaced teachers for their return to accessible places of origin. Since the start of the year, primary health-care centres in a number of counties have been revitalized. Additionally, the national immunization programme has been restarted with the help of UNICEF and other partners, resulting in 1,233,000 children being immunized against measles since June 2003. UNICEF is also working closely with the Ministry of Health and Social Welfare, WFP and non-governmental organization partners to support 15 supplementary feeding centres and 4 therapeutic feeding centres benefiting up to 10,000 people.

49. UNICEF is currently developing plans and programmes for vulnerable communities and groups, including women and children in armed conflict. The agency is also coordinating and supervising, in collaboration with UNHCR, child-protection programmes and activities with international and national non-governmental organizations. Similarly, UNDP has provided capacity-building support to human rights non-governmental organizations, humanitarian workers, government employees and ex-combatants on human rights issues. Awareness-raising is also continuing through the Protection Core Group, and a study on sexual and gender-based violence is to be finalized by the end of May.

50. The United Nations country team completed the mid-year review of the 2004 Consolidated Inter-Agency Appeal at the beginning of May. The review document will be presented to donors in early June. Only about 30 per cent of the $137 million requested for the non-food component of this year's Appeal has been provided. I strongly urge donors to make every effort to close this funding gap so that key humanitarian priorities can be met in a timely manner. Over the next six months, and if provided with adequate resources, agencies will extend humanitarian assistance and improve social services in previously inaccessible areas; intensify support for the return, reintegration and resettlement of internally displaced persons, refugees, ex-combatants and host communities; and continue to assist those internally displaced persons who live in camps and are not yet able to return home.

XII. National recovery

51. Since the International Reconstruction Conference for Liberia, held on 5 and 6 February, the National Transitional Government of Liberia, in conjunction with UNMIL, the World Bank, UNDP and other partners, has taken several significant steps to implement the results-focused transitional framework programme that was presented to the donors. In that regard, the priority was to establish the framework and mechanism through which the programme will be implemented. An Implementation and Monitoring Committee for the results-focused transitional framework has been established, headed by Chairman Bryant, with members drawn from the National Transitional Government of Liberia, UNMIL, the World Bank,

UNDP and other relevant stakeholders. The Committee's Support Office is tasked with day-to-day responsibilities for all activities under the framework and is based in the Ministry of Planning and Economic Affairs. The Minister of Planning and Economic Affairs is the Secretary of the Committee. The Support Office will be co-financed by the National Transitional Government of Liberia and its development partners. Additionally, working committees have been established for the nine clusters outlined in the framework. As at 12 May, approximately $70 million had been received out of the $520 million pledged in New York in February for the two-year transitional period. The Committee is tasked with following up on letters sent by my Special Representative and Chairman Bryant in April to donors who made pledges at the Conference.

52. As part of the recovery and reconstruction effort, the UNMIL quick-impact projects unit had by mid-May allocated $1 million to 97 approved projects. Of these, 31 per cent have been completed and the rest are being implemented. Just over 50 per cent of the funding has been used for school rehabilitation, followed by other key areas, including repair of roads and administrative buildings. To further address gaps in service delivery, the Office for the Coordination of Humanitarian Affairs has announced a $2 million emergency relief fund. Grants from the fund are intended to support emergency interventions. Only non-governmental organizations are eligible for funding, with the focus being on activities in the areas of re-establishing basic living conditions for communities hosting internally displaced persons and for vulnerable populations, water and sanitation, agricultural recovery, non-food items, shelter, public health interventions, protection and related interventions. From 10 to 14 May, a National Women's Conference for Peace and Sustainable Development was organized with support from the United Nations Development Fund for Women of UNDP, United Nations agencies and the USAID Office of Transitional Initiatives to lay out a national plan of action that builds on support for the results-based transitional framework and immediate post-transition activities while ensuring the full participation of women in the rebuilding of Liberia.

XIII. Regional aspects

53. The National Transitional Government of Liberia has continued its efforts to improve its relations with neighbouring countries. During the period under review, Chairman Bryant visited Côte d'Ivoire and Guinea to discuss bilateral issues and restore confidence between Liberia and its neighbours. He also participated in the Mano River Union summit held in Conakry on 20 May. The summit is part of efforts to reactivate the Mano River Union with the help of the United Nations, ECOWAS and the European Union.

54. Pursuant to the statement issued by the President of the Security Council on 25 March 2004 (S/PRST/2004/7) on strengthening inter-mission cooperation, including on issues such as information and resource sharing, joint patrolling and monitoring and the possibility of "hot pursuit" cross-border operations, UNMIL, the United Nations Operation in Côte d'Ivoire (UNOCI) and UNAMSIL took part in a meeting on the joint utilization of United Nations resources, organized by the Office of the Special Representative of the Secretary-General for West Africa, in Dakar on 29 April. The three missions are developing joint plans and modalities for more effective control of borders. These plans will be shared with the countries concerned. In this regard, my Special Representatives for Liberia and Sierra Leone

met on 6 May in Monrovia, along with the Force Commanders and Civilian Police Commissioners of UNMIL and UNAMSIL, to discuss efforts to improve cross-border security and review progress in the disarmament, demobilization, rehabilitation and reintegration exercise in Liberia. In addition, liaison officers from UNMIL force headquarters were exchanged with UNOCI and UNAMSIL to assist in enhancing regional cooperation. UNMIL Sector 2 headquarters has also established direct liaison with UNAMSIL Sector East.

55. Furthermore, as a follow-up to my report of 12 March 2004 on cross-border issues (S/2004/200), the heads of UNMIL, UNAMSIL, UNOCI and the United Nations Peace-building Support Office in Guinea-Bissau, together with my Special Representative for West Africa, ECOWAS and other concerned partners, held a meeting on 30 April to review the 33 recommendations outlined in that report and to discuss modalities for their implementation. The three peacekeeping missions, in coordination with the Office of the Special Representative of the Secretary-General for West Africa, are also developing detailed proposals on concrete action they could take in pursuing a regional approach in the implementation of their mandates. These proposals will form the basis of the recommendations I intend to submit to the Security Council later this year, as indicated in my report of 19 March 2004 on UNAMSIL (S/2004/228).

XIV. Mission support

56. On 24 April, the memorandum of understanding for the new UNMIL headquarters building in the capital that would house all components of the Mission was signed. The building will be occupied in phases by mid-July, after completion of the necessary engineering work. In the meantime, the acute shortage of office space at the current UNMIL headquarters is being addressed by constructing additional prefabricated buildings to accommodate staff.

XV. Financial aspects

57. By its resolution 58/261 of 23 December 2003, the General Assembly appropriated an amount of $564,494,300 (gross) and decided to apportion among Member States the amount of $450 million (gross) for UNMIL for the period from 1 August 2003 to 30 June 2004.

58. As at 30 April 2004, unpaid assessed contributions to the UNMIL Special Account amounted to $139.3 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.3 billion.

XVI. Observations

59. UNMIL continues to make steady progress in stabilizing Liberia and creating the necessary security conditions for the full implementation of the Comprehensive Peace Agreement, as well as the delivery of humanitarian assistance and the commencement of the national recovery. The deployment of UNMIL troops throughout the country is almost complete, and the implementation of the disarmament, demobilization, rehabilitation and reintegration programme is now on

track. In addition, the programme for the restructuring and retraining of the country's security sector has made a good start with the establishment of an interim national police force and the launching of the selection of recruits for the new Liberian Police Service.

60. The efforts to rehabilitate the judiciary, reform the corrections system and facilitate the extension of State administration throughout Liberia are similarly making progress. In addition, the increasingly stable security situation has resulted in an improved human rights situation and facilitated wider humanitarian access. The mechanisms for monitoring the implementation of the Comprehensive Peace Agreement, which consist of the Joint Monitoring Committee, the Implementation Monitoring Committee and the International Contact Group on Liberia, are also functioning more effectively.

61. However, many daunting challenges still lie ahead. In particular, the security situation may again turn volatile until the disarmament and demobilization of combatants is completed and the programme for the longer-term, sustained reintegration of the former combatants gathers momentum. The capacity of the National Transitional Government of Liberia to deliver services and extend its authority throughout the country also remains extremely limited. Sustained efforts by the Transitional Government will be required to ensure an efficient and transparent management of the country's national resources, in order to generate the revenue that is sorely needed for the enhancement of the Government's capacity.

62. The support provided by UNMIL and other partners is primarily intended to empower the National Transitional Government of Liberia. In this connection, it is gratifying to note that the Cabinet of the National Transitional Government of Liberia is now meeting regularly and that most of the government positions have been filled. The appointment of a new National Elections Commission and the development of legislation relating to the establishment of an Independent National Human Rights Commission and a Truth and Reconciliation Commission are also encouraging developments.

63. I am pleased to note that the National Transitional Government of Liberia, together with UNMIL, aims to have a new Liberian Police Service with at least 1,800 personnel by the time national elections take place in October 2005. In this connection, I would like to appeal to Member States to provide the requisite assistance for the expansion of the capacity of the police training school in Liberia and equipment for the restructured and reformed police service, including vehicles, communication equipment and uniforms, as well as the construction of police stations across the country. I also wish to commend the United States of America for taking on the important task of leading in the provision of assistance for the restructuring and training of Liberia's armed forces, and call upon other Member States to contribute to this effort.

64. The programme for the reintegration of former combatants and the repatriation of non-Liberian combatants will equally require the generous support of the international community. Without an effective reintegration programme, the entire disarmament, demobilization, rehabilitation and reintegration programme could be seriously undermined, possibly resulting in renewed insecurity in the country. Similarly, lack of support for programmes targeting the issue of foreign combatants, particularly their repatriation and their reintegration in their countries of origin, could contribute to instability in the subregion.

65. Considering the numerous difficulties facing the electoral process, it is important that the preparations for the 2005 elections begin immediately. This would allow sufficient time to address the challenges relating to the creation of the necessary conditions for the elections and to mobilize the technical and material assistance required by the National Elections Commission. I trust that Member States and other international partners will come forward with such assistance in a timely manner.

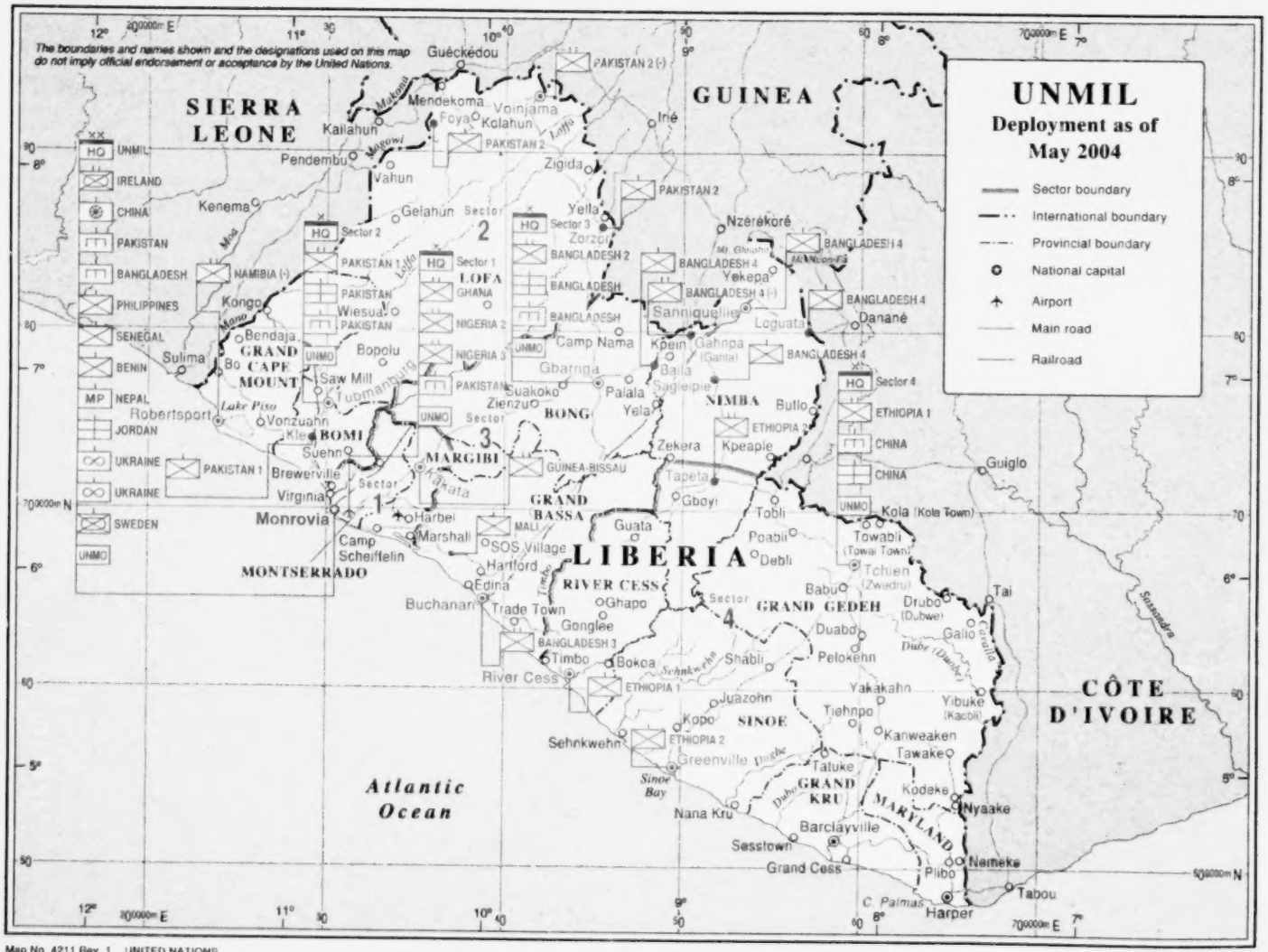
66. In conclusion, I should also like to commend my Special Representative and the civilian and military staff of UNMIL for the progress accomplished so far during the period under review. I would also like once again to express my appreciation to the countries contributing troops and police personnel to the Mission, as well as to ECOWAS leaders, members of the International Contact Group on Liberia, United Nations agencies, humanitarian organizations and numerous bilateral donors for their steadfast efforts in continuing to support the peace process in Liberia.

Annex

United Nations Mission in Liberia: military and civilian police strength as at 18 May 2004

	Military component				
Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Civilian police*
Bangladesh	17	11	3 162	3 190	24
Benin	3	1	263	267	
Bolivia	3	1		4	
Bosnia and Herzegovina					17
Brazil		1		1	
Bulgaria					
China	5	9	558	572	5
Croatia		3		3	
Czech Republic	3			3	3
Denmark	2			2	
Ecuador	3	1		4	
El Salvador	3			3	
Ethiopia	18	8	1 795	1 821	
Egypt	3			3	
Fiji					30
Finland		2		2	
France		1		1	
Gambia			151	151	30
Ghana	6	3	449	458	32
Guinea-Bissau			650	650	
Indonesia	3			3	
Ireland		6	420	426	
Jordan	7	9	114	130	132
Kenya	3	4		7	
Kyrgyzstan				0	
Malawi		2		2	19
Mali	3	2	246	251	
Malaysia	10			10	
Namibia	3	4	844	851	6
Nepal	3	1	40	44	130
Niger	2			2	4
Nigeria	18	13	1 621	1 652	20
Norway					6
Pakistan	16	9	2 428	2 453	13
Paraguay	3	1		4	

Country	Military component				Civilian police
	Military observers	Staff officers	Troops	Total	
Peru	2	3		5	
Philippines	3	2	141	146	22
Poland	2			2	3
Republic of Korea	1	1		2	
Republic of Moldova	3	1		4	
Romania	3			3	
Russian Federation	6			6	3
Samoa					18
Senegal	3	3	275	281	11
Serbia and Montenegro	3			3	8
South Africa		3		3	
Sri Lanka					11
Sweden		3	230	233	9
Togo		1	150	151	
Turkey					22
Ukraine	3	1	300	304	11
United Kingdom		3		3	
United States of America	7	4		11	74
Uruguay					2
Yemen					2
Zambia	3			3	24
Zimbabwe					29
Total	**177**	**117**	**13 837**	**14 131**	**720**



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Corrigendum

Replace the map with the following:

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Department of Peacekeeping Operations
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